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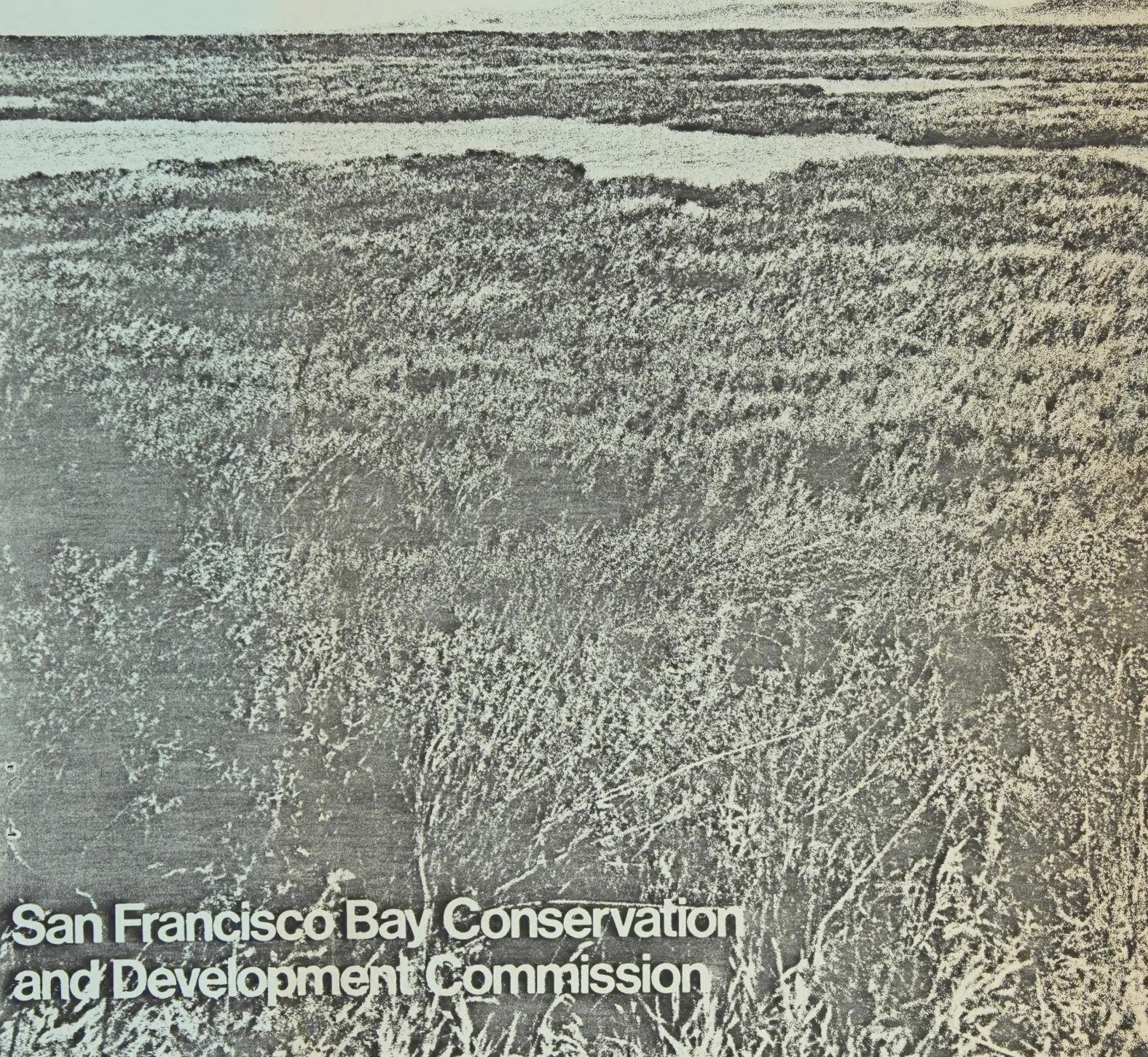
Suisun Marsh Local Protection Program Guidelines

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San Francisco Bay Conservation
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SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
30 Van Ness Avenue, San Francisco 94102 557 - 3686

April 7, 1978

TO: All Commissioners and Alternates
FROM: Charles R. Roberts, Executive Director
SUBJECT: Suisun Marsh Local Protection Program Guidelines
 (For Commission Information)

Enclosed is a copy of the Suisun Marsh Local Protection Program Guidelines that have been prepared by staff in consultation with the local governments involved with the Suisun Marsh in Solano County. The purpose of the guidelines are to assist the local agencies in preparing a local protection program which meets the requirements of the Suisun Marsh Preservation Act of 1977 (AB 1717). In addition, the guidelines will assist the Commission in administering the local protection program Federal Coastal Zone Management planning assistance grants. The guidelines explain the local protection program preparation process; the provisions of the Preservation Act and policies of the Suisun Marsh Protection Plan; the local protection program certification process; and the process for local governments to secure a planning assistance grant. If you have any questions on these guidelines, would you kindly contact Jeffry Blanchfield of the BCDC staff.

**SUISUN MARSH
LOCAL PROTECTION PROGRAM
GUIDELINES**

suisun marsh

Envir. protection -- CA --
suisun marsh
marshes -- Envir. aspects -- CA --
suisun marsh

Land use -- " " -- CA -- " "
zoning law -- CA -- " "

San Francisco Bay Conservation and Development Commission

April, 1978



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INTRODUCTION

The Suisun Marsh Preservation Act of 1977 (AB 1717), states that, "to achieve maximum responsiveness to local conditions, public accountability, and public accessibility, it is necessary to rely heavily on local government and local land use planning procedures and enforcement" in carrying out the state's objectives and policies for the Suisun Marsh (Section 29005(a)). To accomplish this, the Act directs local governments with jurisdiction over the Marsh, the Solano County Local Agency Formation Commission, and special purpose districts which have responsibility for granting approval of development in the Marsh, or require approval for development activities they undertake, to prepare components of a local protection program (Section 29411 (a) and (b)). Solano County is charged with preparing the local protection program (LPP) by merging the various components, except the Suisun Resource Conservation District's component, into a unified LPP for the Marsh (Sections 29400 and 29412.5).

The LPP must be consistent with the provisions of the Preservation Act, as well as the policies of the Suisun Marsh Protection Plan (Section 29400). The LPP consists of the applicable provisions of local government, special purpose districts, and the Solano County Local Agency Formation Commission's "general or specific plans; ordinances; zoning district maps; land use regulations, procedures, or controls; or any other programs, procedures, standards, or controls..." (Section 29111).

An LPP component is: (1) the part of the LPP "prepared by or submitted to the County..." by the Solano County LAFCO, the Cities of Benicia,

Fairfield, and Suisun City, and appropriate special purpose districts; (2) the part prepared and submitted to BCDC by the County; and (3) the part prepared and submitted to BCDC by the Suisun Resource Conservation District (Section 29112).

As set forth in the Preservation Act, local governments and special purpose districts are to prepare and submit their LPP component to Solano County by July 1, 1978, except for the Suisun Resource Conservation District, which is to prepare and submit its component directly to BCDC by January 1, 1979 (Section 29411 (a) and (b) and Section 29412.5). Solano County will prepare its component and submit the unified LPP to BCDC by January 1, 1979 (Section 29412(a)). Upon request to BCDC, BCDC must grant to Solano County an extension of the time limit for submission of the LPP, as well as extend the time limit for the submission of any component of the LPP, provided, however, that no extension may be made which authorizes submission of the LPP, or any component, after January 1, 1980. In addition, may extend, for a period not to exceed one year, any other time limit in the Preservation Act for good cause (Section 29420 (a) and (b)). Any local government, special purpose district, or the LAFCO may request BCDC to prepare its component of the LPP, or Solano County may request that BCDC prepare the LPP, "if either such request is submitted to the Commission, in writing, not later than March 1, 1978" (Section 29411(e)). However, preparation of the LPP or any component of the LPP does not exempt the local government, special purpose district, or the LAFCO from other requirements of the Preservation Act, including public hearings and formal submittal of the component or the LPP for certification.

After the LPP, or any component of the LPP, has been certified by BCDC, the LPP becomes the basis for issuing or denying marsh development permits in the secondary management area and in the primary management area where BCDC

has delegated its permit authority to local government (Section 29501(c) and Section 29503(b)). Where BCDC has not delegated its permit authority in the primary management area, the Preservation Act, the Protection Plan, and the LPP are the basis for issuing or denying marsh development permits (Section 29501(a) and (b)). Subsequent to certification, alledged non conformance of a proposed project with the LPP is the basis for BCDC hearing an appeal from a local government action on a marsh development permit, BCDC must issue the permit if it finds the proposed project is in conformance with the LPP (Section 29504(d)).

Special Provisions for Specific Geographic Areas

The Preservation Act recognizes that conditions around the Marsh vary, and thus sets out different provisions for preparation of the LPP in certain specific geographic areas.

For that portion of the secondary management area west of Interstate Highway 680 and outside Fairfield, the program will contain only ordinances (prepared jointly by Benicia and Solano County) controlling grading, erosion, run-off, and sedimentation, which recognize the seismic hazards and unusually erodible soils at this location (Section 29405).

The local protection program for areas located within Fairfield, or within Fairfield's sphere of influence, but outside the Marsh, will contain only ordinances controlling grading, erosion, sedimentation, run-off, and creekside development; and where applicable, zoning ordinances implementing the land use designations in the Cordelia Area General Plan Diagram for areas between Interstate Highway 80, 680, and the Marsh (Section 29406).

Along Shiloh Road, the local protection program must allow for construction of reasonable improvements or divisions of land if such

development does not interfere with long-term continuation of existing agricultural uses (Section 29407).

The local protection program must allow for continued use of the Explosives Technology site in the Potrero Hills; however, the LPP must provide that any other future use of the site must be compatible with preservation of the Marsh (Section 29408).

Also, the local protection program may not preclude use of a site in the Potrero Hills for future solid waste disposal if it can be demonstrated that the construction and operation of this use would not have significant, adverse ecological or esthetical impacts on the Marsh (Section 29409).

Purpose of the Guidelines

The purpose of these guidelines are to recommend a common procedure for the determination of the scope and process for preparing the local protection program. The guidelines (except for state and federal grant assistance rules) are advisory only and explain the recommended local protection program process, content, and certification procedure; the relationship of the LPP planning to the California Environmental Quality Act (CEQA); and the funding sources and procedure available for LPP planning assistance.

The guidelines are intended to assist local governments and special purpose districts with responsibilities under the Preservation Act, and help technical and policy advisory committees and governing bodies who will actually be preparing the LPP or who will participate in preparation of the LPP.

The guidelines consist of eight sections. The Introduction describes the background for preparation of the local protection program. Chapter I, explains the process of preparing the work program, the important initial step

an the LPP process. Chapter II describes and explains the method of preparing the land use segment of the LPP, and Chapter III describes the management programs required to be prepared by the Preservation Act. Chapter IV explains how the zoning ordinances, regulations, and enforceable standards should be prepared, and Chapter V sets forth the environmental requirements (CEQA) which must be met. Chapter VI outlines the process for review and certification of the LPP, and Chapter VII explains the applicable provisions of the Preservation Act and the Suisun Marsh Protection Plan policies to which the local protection program must conform. Finally, Chapter VIII. of the guidelines describes the methods of funding available to assist local governments in preparing the local protection program and the planning grant procedure that will be followed in administering LPP planning assistance grants.

CHAPTER I. THE WORK PROGRAM

This section of the guidelines describes the initial step in preparing the LPP--the work program--which will enable the local agency and BCDC to: (1) arrive at an agreement on the extent of analysis and work that appears to be needed for preparing the LPP, and (2) allocate available funding accordingly.

The work program is intended to be both a process of identifying work that each local agency must perform to meet the requirements of the Preservation Act and the Protection Plan as well as a method of procedure to accomplish the task. The work program prepared by some local agencies, e.g. Solano County, will be of greater scope than other agencies, e.g. Benicia. However, it is important that each agency prepare its work program to set forth the work it proposes to undertake and the procedure it will follow to meet the requirements of the Act and the Plan for the program will be the basis for a Coastal Zone Management planning assistance grant.

Many local agencies are required by the Act and Plan to undertake the same or similar planning work, e.g. prepare streamside protection ordinances, erosion control ordinances, and levee and diking standards. Because a number of local agencies must undertake similar work, a master work program to which would coordinate overall LPP work would appear to be desirable. Such a master work program, prepared by the participating local agencies, would guide the actual work involved in preparing the LPP, and would, among other things, designate which agency would prepare what common work items. The common work program would be an excellent means for coordinating the various components of the LPP to assure that the components easily integrate into a unified LPP.

A common work program would not relieve each agency from preparing its individual work program that would be the basis for its planning assistance grant. Rather, the common work program would be an agreement between the participating local agencies to schedule and undertake LPP work in a coordinated and efficient manner.

Preparing the Work Program

The work program sets forth the major planning objectives and tasks to be undertaken in preparing the local protection program and its components.

The work program should include:

- (1) An identification of Marsh planning issues.
- (2) A description of the major tasks required to bring local plans and policies; management programs; zoning ordinances, regulations, and enforceable standards; and, if required, other implementing actions into conformity with the Preservation Act provisions and Protection Plan policies and to assemble sufficient information for a thorough and complete review of such plans, programs, and regulatory instruments.
- (3) The methods proposed for involving the public and affected governmental agencies in the LPP preparation.
- (4) A timetable indicating approximate dates of completion for major work items, and the schedule proposed for submitting local protection program documents to Solano County and BCDC (as applicable).
- (5) An estimated budget for the local protection program work items.

1. Identifying Marsh Issues

The first step in preparing the work program is the identification of Marsh planning issues. The purpose of the issue identification step is to: (1) determine the provisions of the Preservation Act and the policies of the Protection Plan that apply in each jurisdiction; (2) determine the extent to which existing local plans and regulations and agency operating policies are adequate to meet Preservation Act and Protection Plan requirements; and (3) delineate any potential conflicts between existing plans, policies, regulations, public works projects, and development proposals and the provisions of the Preservation Act and policies of the Protection Plan.

To carry out the issue identification, the local government or special purpose district should: (1) review Chapter 5 (Responsibilities of the Commission and Local Agencies) and Chapter 12 (Suisun Resource Conservation District) of the Preservation Act; Part II (Findings and Policies) and Part IV (Plan Maps) of the Protection Plan; and the map "Boundaries of the Suisun Marsh" filed with the Clerk of Solano County, to determine which provisions, policies, and map designations are applicable and the extent of analysis needed (Chapter VII integrates the Preservation Act provisions and Protection Plan policies into like policy groups); and (2) identify potential conflicts between Preservation Act provisions, Protection Plan policies, map designations with existing and allowable land uses, management practices, zoning, regulations, and standards over which the local agency has control.

Following is a model format which is suggested to assist local agencies in preparing an issue identification that will, because of uniformity, assist in review by BCDC, other governmental agencies, and interested parties. The model format consists of three parts:

- Jurisdiction Description. A general description of existing conditions applicable to a local agency's jurisdiction, potentially allowable uses under the agency's existing plans and regulations, management practices (e.g. in the case of the Suisun Resource Conservation District and Solano County Mosquito Abatement District), and potential development based on currently proposed public works projects and private development over which the agency has control.
- Policy Group Evaluation. A discussion and analysis of the existing and potentially allowable uses and management practices discussed above as they relate to the Preservation Act provisions, Protection Plan policies, and map designations. Also a discussion and analysis of the absence of existing land use designations, management practices, and zoning ordinances, regulations, and standards as they relate to the Preservation Act provisions, Protection Plan policies, and map designations.
- Summary of Issues. A brief description of each Marsh issue needing resolution based on the above analysis and any important policy interpretations needed to prepare an LPP (or component) that conforms to the Preservation Act and the Protection Plan.
 - a. Jurisdiction Description. To provide a basis for comparison with the Preservation Act provisions and policies of the Protection Plan, the issue identification stage should begin with a brief narrative, and where applicable, a map, describing existing land uses in the area, together with a discussion of potentially allowable land uses based on existing plans and zoning or other comparable regulations, as well as proposed developments,

including public works projects. The Suisun Resource Conservation district should describe existing water and habitat management conditions in the primary management area and the Mosquito Abatement District should describe its existing water management practices. Where a local agency believes its plans, policies, management programs, and regulations are adequate to comply with Preservation Act provisions and Protection Plan policies, the evaluation should specifically delineate the kinds, location, and intensity of development currently allowable by local regulations. Also, the evaluation should describe the management program carried out by local regulations. Where the local agency envisions substantial revisions of its existing plans, management programs, ordinances, and regulations, these conflicts should be assessed. The narrative should be kept reasonably brief.

b. Policy Group Evaluation. In this section of the issue identification, existing, potentially allowable, and proposed uses, as well as water and habitat management programs should be compared to the provisions of the Preservation Act and policies of the Protection Plan. The 10 policy groups set forth in Chapter VII of these guidelines should be a convenient way to address the provisions and policies. The evaluation should discuss local plans, policies, management practices, zoning, regulations, and enforceable standards that apply to or may affect achievement of the Preservation Act provisions and Protection Plan policies. Any potential inconsistencies, omissions, or problems should be noted, even though in the local agency's judgment these may not need to be addressed in the LPP. The local agency should also point out where the Preservation Act provisions and Protection Plan policies as applied to local conditions appear to be in conflict.

c. Summary of Issues. The final section of the issue identification should focus in on the marsh planning issues and on important policy interpretations needed to prepare a LPP that conforms to the provisions of the Preservation Act and policies of the Protection Plan. This should be as succinct a description as possible by policy group. It should also list any important policy questions that need resolution.

The issue identification stage is designed to assist preparation of the work program. It should be submitted by the cities, LAFCO and special purpose districts, except the Suisun Resource Conservation District, to Solano County and BCDC for preliminary informal review prior to completion of the work program. Solano County and the Suisun Resource Conservation District should submit their issue identification to BCDC for preliminary informal review prior to completion of the work program.

The issue identification should be distributed to interested persons and agencies for review and comment before finalizing the work program proposals for submittal to BCDC. This advance review will assist local agencies in preparing work programs that fully address the issues and will avoid delay in BCDC's review of work programs.

In all cases, consultation between the local governmental agency and Solano County and BCDC staff at this stage will be especially important. The staffs will be able to assist in advising the local agency as to which Preservation Act provisions and Protection Plan policies apply, how the County and the Bay Commission is apt to interpret those policies, and the extent of conflict the County and the Bay Commission is likely to perceive as the Act or Protection Plan policies apply to particular area.

2. Describing Major Tasks

Once the Marsh planning issues have been identified, the local agency will need to design its work program to resolve those issues. The first step is to identify overall categories of work. Generally these will be: (1) land use plans and policies; (2) water and wildlife habitat management programs; and (3) zoning ordinances and district maps, regulations, and enforceable standards. Primary focus should be placed by the local agency on the stage of the work program where the agency anticipates the need for substantial work. For example, where the local agency judges that substantial work is required on the land use plan stage, the work program should focus in greater detail on that stage.

It is recommended that each local agency follow the issue identification format, outline the tasks in subcategories by policy groups (as set out in Chapter VII.) Any conflicts, omissions, or inadequacies that were noted during the issue identification would be addressed subject by subject.

In listing tasks within each subcategory, it is desirable to include all tasks needed to resolve that area of concern (e.g., collecting data; analyzing data and alternatives; determining land use policies and designations; and making appropriate changes or provisions in local plans to carry out the decision.)

3. Public Participation

In addition to outlining the technical process to be used in preparing the LPP, the work program must also include measures proposed for involving the public in the planning process, particularly at key points of the LPP development. The Preservation Act places great importance on public involvement in government decisions affecting the Marsh. According to the Act:

The Legislature further finds and declares that the public has a right to participate fully in governmental decisions affecting planning, conservation, and development of the Suisun Marsh; that achievement of sound protection of the Marsh is dependent upon public understanding and support; and that continuing planning and implementation of programs for marsh protection should include the opportunity for public participation (Section 29207).

Moreover, the Act states:

During the preparation of the local protection program, local governments, districts, and the Solano County Local Agency Formation Commission shall afford reasonable opportunity for public participation and consultation with other agencies, including adequate public notice, review periods, workshops, and public hearings (Section 29411(f)).

The public participation envisioned by the Preservation Act should begin early on in the planning process, and may include informational meetings and presentations, advisory reviews, media notices or releases, workshops, and other means of providing the widest range of public interests the opportunity to participate.

4. Timetable.

In drafting the schedule for completion of the LPP and its components, the local agency should realistically estimate when the LPP (or component) will be ready to submit to the County and to BCDC for preliminary review and for certification. The local agency should take into account time necessary for local hearings and adoption procedures. This information will assist the local agency in establishing tentative schedules for its governing body's action on the LPP (or component) as well as assisting the County in determining timing for coordinating and submitting the completed LPP to BCDC. The information will also assist BCDC in scheduling preliminary review of the LPP as well as certification hearings.

5. Budget

An estimated budget will be an integral part of the work program and will assist BCDC in planning for the disbursement of federal Coastal Zone Management planning assistance grants. Appropriate forms, instructions, and explanations are all provided in Chapter VIII., Funding Assistance.

Review and Approval of the Work Program

The local agencies will submit their proposed work programs to Solano County and send copies to all other local agencies participating in the LPP process. Solano County will send copies of its proposed work program to all other local agencies participating in preparation of the LPP as well. Solano County will then review each proposed work program to determine whether, in its judgement, the program adequately leads to the preparation of an LPP component that would conform to the provisions of the Preservation Act and Protection Plan. It will inform local agencies of any changes or additions it deems necessary to perfect the proposed work program. In reviewing the proposed work programs, the County will seek the comments and assistance of the other local agencies participating in the LPP process.

When the County is satisfied with the proposed component work programs, it will submit them, along with its own, to BCDC for review and approval.

The Suisun Resource Conservation District will submit its proposed work program directly to BCDC.

BCDC will request comments on the composite proposed work programs from all local agencies, applicable state and federal agencies, and interested parties and schedule a public hearing on the proposed work programs.

BCDC will approve the work programs and authorize disbursement of planning assistance grant funds to the local agency where it finds, after public

hearing, that: (1) the scope of tasks outlined in the work program adequately address the provisions of the Preservation Act and policies of the Protection Plan; (2) the costs of undertaking such tasks are reasonably related to the amount of work needed to resolve marsh planning issues; (3) the tasks to be contracted for under such grants are not already required under other statutes or more appropriately undertaken by other agencies; and (4) the work program includes measures for involving the public and other agencies adequately to comply with the Preservation Act and with the requirements of the funding authority.

The work programs will be used to support BCDC's allocation of federal planning assistance grant funds available under the federal Coastal Zone Management Act and will also be the basis for grant contracts. If further work is later determined to be needed, the work program will be renegotiated and the grant contract revised accordingly.

In determining funding, local agencies and BCDC will need to work together to determine the priority of tasks and to keep the total work and budget within the available funding. BCDC, the Department of Fish and Game, other state and federal agencies, or other groups may be able to undertake some tasks or to provide assistance. Should available federal grant monies prove insufficient to complete the necessary work, the Commission's review of the work program could also be one of the factors in determining a local jurisdiction's potential eligibility for reimbursement of Marsh planning tasks under SB 90. (See Chapter VIII for detailed discussion of funding and grant contracts.)

CHAPTER II. LAND USE PLANS

Local agencies with land use planning powers should address the Suisun Marsh planning issues identified in the work program and prepare any amendments or modifications to existing plans, or prepare new elements, to bring their plans into conformance with the provisions of the Preservation Act and the policies of the Protection Plan. The land use plans will be the basis upon which zoning and other enforceable standards will be developed by local agencies.

During preparation of the land use plans, local agencies should coordinate planning with affected local, regional, state, and federal agencies, provide for citizen participation, and prepare environmental documents in accordance with the California Environmental Quality Act (CEQA). The steps that a local agency should include in its land use plan preparation process are discussed in the following sections.

Preparing Land Use Plans

The Preservation Act provides that "within the marsh the local protection program shall include ...any amendments to general or specific plans applicable to any area within the marsh necessary to bring such plans into conformity with the provisions of the Preservation Act and the policies of the protection plan" (Section 29401(a)).

Developing a land use plan consists primarily of preparing any revisions, additions, or new elements to the local general plan or specific plan as needed to bring it into conformity with the Preservation Act and Protection

Plan. In doing this, each local government will want to: (1) make use of relevant portions of existing plans and planning law authority to achieve Preservation Act and Protection Plan objectives; and (2) undertake analysis and revisions as necessary to resolve marsh issues.

The completed and certified land use plan would be all the relevant portions of a local government's general and or specific plan(s) that relates to the Suisun Marsh and is in conformance with the Act and Protection plan. To bring existing plans into conformity with the provisions of the Preservation Act and policies of the Protection Plan, a local government may wish to amend or supplement applicable existing plan elements, diagrams, and maps as well as add additional plan elements, diagrams, or maps. The precise process will obviously depend a great deal on the nature of the local governments' existing plan documents and the need for modification.

1. Relationship to State Planning Laws

Section 65300 et. seq. of the Government Code requires that every city and county prepare and adopt a comprehensive long-term general plan for the physical development of the jurisdiction and its environs. The general plan consists of nine mandated elements and may also include optional elements (Section 65303). The general plan may be adopted in separate elements or at one time, for all or part of the jurisdiction (Section 65301).

Existing local general plans that have fully addressed these state planning law requirements may already deal with many of the issues in the Preservation Act and Protection Plan. Many of the mandatory elements of the general plan relate to Marsh planning issues. For example, the land use element

designates the proposed general distribution and general location and extent of uses of the land for...industry, open space, including

agriculture, natural resources, recreation, and enjoyment of scenic beauty, education, public buildings and grounds, solid and liquid waste disposal facilities, and other categories of public and private uses of land. The land-use element shall include a statement of the standards of population density and building intensity recommended for the various districts and other territory covered by the plan. The land-use element shall also identify areas covered by the plan which are subject to flooding and shall be reviewed annually with respect to such areas (Government Code Section 65302(a)).

The circulation element establishes the general location and extent of existing and proposed transportation systems, correlated with the land use element (Government Code Section 65303(b)). The mandated scenic highway element should also be pertinent to marsh planning.

The conservation element covers "the conservation, development, and utilization of natural resources including water,...soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources" (Government Code Section 65302(d)). It may also include such concerns as flood control, water pollution, protection of stream channels, erosion, and watershed regulation.

Similarly, the open space element addresses many marsh issues, including recreation, water and marine resources, environmentally sensitive areas, soil resources, hazard areas, and visual resources. These are covered under a broad definition of open space uses as follows:

1. Open space for the preservation of natural resources including... plant and animal life...; areas required for ecological and other scientific study purposes;...streams, bays and estuaries;...banks of rivers and streams, and watershed lands.
2. Open space used for the managed production of resources, including ...rangelands, agricultural lands...; areas required for recharge of ground water basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits....
3. Open spaces for outdoor recreation, including...areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to...rivers and

streams, and areas which serve as links between major recreation and open spaces reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.

4. Open space for public health and safety, including...earthquake fault zones, unstable soil areas, flood plains, watersheds.... (Government Code Section 65560).

The seismic safety element identifies seismic hazards and also mudslides, landslides, and slope stability as related geologic hazards, while the safety element covers...geologic hazard mapping in areas of known geologic hazards.

Many of the optional elements designated in the general plan law also are appropriate for addressing marsh concerns. For example, these may include:

(1) a recreation element showing "a comprehensive system of areas and public sites for recreation, including...natural reservations, and parks...; and (2) a public services and facilities element planning for sewerage, refuse disposal, drainage, and local utilities.

As a local government makes use of these existing plan elements to meet Preservation Act and Protection Plan provisions, it may find it necessary to make revisions or additions. Such amendments may be adopted to apply only to the Suisun Marsh or may be done jurisdiction-wide. Conformity with the Preservation Act and Protection Plan policies is required only within the Marsh except for the grading, erosion, sedimentation, runoff and creekside development controlling ordinances which are applicable within the watershed. However, state planning law (Government Code Section 65300.5) requires that the general plan consist of an integrated, internally consistent and compatible statement of policies for the jurisdiction. Therefore, if plans are developed or changed only for the Suisun Marsh, the local government should make sure that these marsh plans and policies are consistent, or should make any necessary revisions to eliminate any inconsistencies, with jurisdiction-wide plans.

2. Analysis of Conformity with Preservation Act Provisions and Protection Plan Policies

The land use plans must be prepared in sufficient detail to indicate the kinds, locations, and intensity of land uses as well as the applicable resource protection and development policies. Moreover, the LPP must "be consistent with the provisions of the Preservation Act and the policies of the Protection Plan (Section 29400). The LPP must also contain "materials sufficient for a thorough and complete review" (Section 29410(b)). If existing plans are to be submitted as the LPP, a separate analysis of how the plans meet the provisions of the Preservation Act and the policies of the Protection Plan must be included with the submittal. If revisions and additions to existing plans or new Marsh plans are being developed as the land use plan, these analyses may be an integral part of the planning work. In either case, within the plan components of the land use plan or in a separate accompanying analysis, the local government must specifically evaluate its plan proposals for conformity with Preservation Act provisions and Protection Plan policies.

Because the land use plan is the basis on which zoning and other implementing actions must be judged, the land use plan must be detailed enough to make this analysis, e.g. to determine types of permitted uses, etc. Policies and precise designations of land uses that carry out the intent and effect of the Preservation Act and Protection Plan as applied to local conditions will be essential. Such policies and land use designations should be set forth in maps, diagrams, and text, including objectives, principles, and standards where applicable. The policy group guides in Chapter VII. of these guidelines should be used, where applicable, as a checklist to make sure

the preparation of the land use plan is based on "materials sufficient for a thorough and complete review" and are "consistent with the...Act and...Plan."

Intergovernmental Coordination

In preparing the land use plans, coordination between local agencies will be paramount for integrating the policies and regulations of the various agencies and resolving any conflicts. Coordination will also help in pulling together the various LPP components into an integrated LPP that may be certified by BCDC.

Also important in the process of preparing the LPP is the involvement of other local, regional, state, and federal agencies having an interest in the Suisun Marsh. The views of these agencies should be taken into consideration in the LPP development. Many of these agencies will be useful to local agencies in preparing land use plans.

Public Participation

The local governments have the main responsibility for involving the public in the local Marsh planning. As explained in Chapter I, the Preservation Act places great emphasis on public participation and the full involvement of the public in "govermental decisions affecting planning, conservation and development of the Suisun Marsh..." (Section 29007).

Further, Section 29410(a) of the Preservation Act provides for the submittal of the local protection program pursuant to "a resolution adopted after at least one public hearing by each local government and district having jurisdiction in the marsh and the Solano County Local Formation District...."

In addition, BCDC is required "after receipt of the proposed local protection program, to...hold a public hearing on the proposed program" (Section 29414).

CHAPTER III. MANAGEMENT PROGRAMS

Preparing a water management program for the wetlands of the Marsh is the duty of both the Suisun Resource Conservation District and the Solano County Mosquito Abatement District. The Resource District's charge is to develop a water management program to enhance wildlife habitat while the Abatement District's concern is with the control of mosquitos.

The Suisun Resource Conservation District must prepare both a water and wildlife habitat management program for the Marsh. "The district shall have primary local responsibility for regulating and improving water management practices on privately owned lands within the primary management area..." and for developing a "management program...designed to preserve, protect, and enhance the plant and wildlife communities within the primary management area..." (Section 9962, Division 9 of the Public Resources Code and Section 29401(d)).

During preparation of the management programs, the districts should coordinate planning with affected local, regional, state, and federal agencies, provide for citizen participation, and prepare environmental documents in accordance with the California Environmental Quality Act (CEQA). The general ingredients of the program each district must prepare are discussed in the following sections.

Preparing the Management Programs

1. Suisun Resource Conservation District.

The Presevation Act states that the management program should include "enforceable standards for diking, flooding, draining, filling, and dredging of sloughs, managed wetlands, and marshes" (Section 29401(d)).

The management program will primarily consist of a water and wildlife habitat management program for the privately owned lands in the primary management area. The plans will include: (1) a description and site location of the types of wildlife habitats to be managed, (2) the procedure for managing the habitats (e.g. flooding, draining, soil preparation, etc.), (3) improvements needed to properly manage the habitats (e.g. gates, levees, ditches, etc.), (4) standards for construction and maintenance of improvements, and (5) alternative habitat management plans for areas where applicable.

The management program will also include enforceable regulations to carry out the management plan which will be administered by the Suisun Resource Conservation District.

2. Solano County Mosquito Abatement District

The program prepared by the Solano County Mosquito Abatement District should set forth the appropriate methods of controlling mosquitos which also protects and preserves wildlife habitat.

The program will also include standards and regulations to assure that the program can and will be enforced.

Analysis of Conformity with Preservation Act Provisions and Protection Plan Policies

The management programs must be prepared in sufficient detail to indicate the kinds and general locations of facilities to be constructed, as well as the applicable management practices to be followed. Moreover, the LPP component must "be consistent with the provisions of the Preservation Act and the policies of the Protection Plan" (Section 29400). The management program must also contain "materials sufficient for a thorough and complete review" (Section 29410(b)).

If an existing management program is to be submitted as the LPP component, a separate analysis of how the program meets the provisions of the Preservation Act and the policies of the Protection Plan must be included with the submittal. If revisions and additions to existing management programs or new programs are being developed as the management program, these analyses may be an integral part of the planning work. In either case, within the management program or in a separate accompanying analysis, the district must specifically evaluate its management program proposals for conformity with Preservation Act provisions and Protection Plan policies.

Because the management programs are the basis on which regulations must be judged, the programs must be detailed enough to make this analysis, e.g. to determine the types of management practices and standards to carry out the Preservation Act and Protection Plan. Such practices should be set forth in maps, diagrams, and text, including objectives, principles, and standards where applicable. The policy group guides in Chapter VII. of these guidelines should be used, where applicable, as a checklist to make sure the preparation of the management programs are based on "material sufficient for a thorough and complete review" and are "consistent with the...Act and...Plan."

Intergovernmental Coordination

In preparing the management programs, coordination between local agencies will be paramount for integrating the policies and regulations of the various agencies and resolving any conflicts. Coordination will also help in pulling together the various LPP components into an integrated LPP that may be certified by BCDC. Also important in the process of preparing the management programs is the involvement of other local, regional, state, and federal

agencies having an interest in the Suisun Marsh. The views of these agencies should be taken into consideration in the management program development. Many of these agencies will be useful in the process of preparing the management programs.

Public Participation

The districts have the main responsibility for involving the public in the local Marsh planning. As explained in Chapter I, the Preservation Act places great emphasis on public participation and the full involvement of the public in "governmental decisions affecting planning, conservation and development of the Suisun Marsh..." (Section 29007).

Further, Section 29410(a) of the Preservation Act provides for the submittal of the local protection program pursuant to "a resolution adopted after at least one public hearing by each...district having jurisdiction in the marsh...."

In addition, BCDC is required "after receipt of the proposed local protection program, to...hold a public hearing on the proposed program" (Section 29414).

CHAPTER IV. ZONING ORDINANCES, REGULATIONS, AND ENFORCEABLE STANDARDS

Zoning ordinances, regulations and enforceable standards are means of carrying out the plans, programs, and policies designed to protect and preserve the Suisun Marsh. Local agencies should address the Suisun Marsh planning issues in the work program as well as the plans and programs they have prepared in response to the work program and prepare any amendments or modifications to existing zoning ordinances, regulations, or enforceable standards, or prepare new ordinances, regulations, or enforceable standards to bring them into conformance with the provisions of the Preservation Act and policies of the Protection Plan.

During preparation of the ordinances, regulations, and standards, local agencies should coordinate with affected local, regional, state, and federal agencies, provide for citizen participation, and prepare environmental documents in accordance with the California Environmental Quality Act (CEQA). Preparation of the required material will generally follow the procedure that is discussed in the following sections.

Preparing Zoning Ordinances, Regulations, and Enforceable Standards

The Preservation Act provides that "within the Marsh the local protection Plan shall include...enforceable standards...zoning ordinances and zoning district maps, or both..." (Section 29401).

Developing zoning ordinances, regulations, and enforceable standards will consist primarily of preparing any revisions, additions, or new ordinances, regulations, and standards needed to bring these implementing tools into

conformance with the Preservation Act and Protection Plan. Each local agency will want to: (1) make the best use of its existing ordinances, regulations and standards to achieve conformity, (2) undertake analysis and revision of existing ordinances, regulations, and standards as necessary and (3) adopt new ordinances, regulations and standards where warranted to resolve marsh planning issues.

The complete and certified LPP will include all the adopted relevant portions of a local agency's zoning ordinances, regulations, and enforceable standards that relate to the Suisun Marsh and are in conformance with the Preservation Act and Protection Plan. A local agency may wish to amend or supplement its existing ordinances, regulations and standards as well as add additional ones. The particular process will depend in large part on the agency's existing ordinances, regulations, and standards and the need for modification.

Analysis of Conformity with Preservation Act Provisions and Protection Plan Policies

The ordinances, regulations, and standards must be prepared in sufficient detail to indicate the kinds, locations, and intensity of permitted uses as well as the applicable resource protection and development rules. Moreover, this portion of the LPP must "be consistent with the provisions of the Preservation Act and the policies of the Protection Plan" (Section 29400). In addition, the zoning ordinances, etc., must contain "material sufficient for a thorough and complete review" (Section 29410(b)).

If existing ordinances, regulations, and standards are to be submitted as the LPP component, a separate analysis of how the ordinances, etc. meet the provisions of the Preservation Act and the policies of the Protection Plan must be included with the submittal. If revisions and additions to existing

ordinances or new ordinances are being developed, the analysis may be an integral part of the planning work. In either case, the local government must specifically evaluate its ordinances, regulation, and standards proposals for conformity with Preservation Act provisions and Protection Plan Policies.

The ordinances must be detailed enough to make this analysis, e.g. to determine types of permitted uses, etc. Language and map designation of land uses that carry out the intent of the Preservation Act and Protection Plan as applied to local conditions will be essential. As applicable, the ordinances, regulations, and standards should be set forth in maps, diagrams, and text, including objectives and principles. The policy group guides in Chapter VII. of these guidelines should be used, where applicable, as a checklist to make sure the preparation of the ordinances, etc. are based on "materials sufficient for a thorough and complete review" and "consistent with the provisions of the Preservation Act and policies of the Protection Plan."

Intergovernmental Coordination

In preparing the ordinances, regulations, and standards, coordination between local agencies will be paramount for integrating the policies and regulations of the various agencies and resolving any conflicts. Coordination will also help in pulling together the various LPP components into an integrated LPP that may be certified by BCDC.

Also important in the process of preparing this stage of the LPP is the involvement of other local, regional, state, and federal agencies having an interest in the Suisun Marsh. The views of these agencies should be taken into consideration in the regulatory phase of the LPP development.

Public Participation

As previously mentioned, local agencies have the main responsibility for involving the public in the local Marsh planning. As explained in Chapter I, the Preservation Act places great emphasis on public participation and the full involvement of the public in "governmental decisions affecting planning, conservation and development of the Suisun Marsh..." (Section 29007).

Further, Section 29410(a) of the Preservation Act provides for the submittal of the local protection program pursuant to "a resolution adopted after at least one public hearing by each local government and district having jurisdiction in the marsh and the Solano County Local Formation District...."

In addition, BCDC is required "after receipt of the proposed local protection program, to...hold a public hearing on the proposed program" (Section 29414).

CHAPTER V. ENVIRONMENTAL REQUIREMENTS

The local protection program is subject to the requirements of the California Environmental Quality Act (CEQA) and the State Guidelines for implementing that Act. Section 21151 of the CEQA provides that:

All local agencies shall prepare, or cause to be prepared by contract, and certify the completion of an environmental impact report on any project they intend to carry out or approve which may have a significant effect on the environment.

However, Assembly Bill 884 (McCarthy) which became effective January 1, 1978, has changed the state environmental review process, and one particular change, expansion of the "functional equivalency" rule, may determine whether preparation of an environmental document for the LPP will be required.

Under previous law, specified regulatory programs of state agencies which have protection of the environment among their principal purposes and which require a plan or other documentation to be submitted in support of the issuance of a permit or other approval were exempted from the environmental impact report requirements of CEQA. The program must have first been certified by the Secretary of the Resources Agency as consistent with certain criteria.

The new law expands the exemption to include the adoption or approval of standards, rules, regulations, or plans for use in regulatory programs.

BCDC is requesting the Secretary for the Resources Agency to certify the Commission's regulatory and planning program as the functional equivalent of an environmental impact report.

It is BCDC's position that if the Secretary for the Resources Agency certifies BCDC's planning and regulatory program as functionally equivalent to preparation of an environmental impact report, then the local protection program, which would carry out the Commission's Suisun Marsh Protection Plan as well as the Suisun Marsh Preservation Act of 1977 (which incorporates the recommendations of the Suisun Marsh Protection Plan), is merely an extension of the Protection Plan and an environmental impact report need not be prepared on it.

This issue will be resolved early in June, 1978. Until determined is made, local agencies should assume a CEQA review of the local protection program may be required, and the local agencies would be lead agencies for CEQA purposes because of their responsibility for considering environmental impacts throughout the jurisdiction. Under CEQA, either an environmental impact report (EIR) on the proposed LPP would be prepared, or, if it is determined that the LPP will have no significant effect on the environment, a negative declaration would be filed.

If an EIR is prepared, it must contain the following:

- (1) description of the project;
- (2) description of the environmental setting;
- (3) the significant environmental effects of the proposed project;
- (4) any significant environmental effects which cannot be avoided;
- (5) mitigation measures proposed to minimize the significant effects;
- (6) alternatives to the proposed action;
- (7) the relationship between local short-term uses of man's environmental and the maintenance and enhancement of long-term productivity;
- (8) any significant irreversible-changes which would be involved in the proposed action should it be implemented; and

(9) the growth-inducing impact of the proposed project. (Section 15143 of State CEQA Guidelines)

In preparing an EIR on the LPP, local governments are encouraged to combine the EIR with the local planning documents. The LPP, together with the analysis of compliance with the provisions of the Preservation Act and Protection Plan policies, should largely address the points required in an EIR. The state CEQA Guidelines provide for such an integration of the EIR with planning documents, as follows:

(a) The requirements for an EIR on a local general plan, element or amendment thereof will be satisfied by the general plan or element document, and no separate EIR will be required if: (1) the general plan addresses all the points required to be in an EIR by Article 9 of these Guidelines and (2) the document contains a special section or a cover sheet identifying where the general plan document addresses each of the points required.

(b) The Lead Agency for the general plan, element, or amendment shall forward the appropriate documents to the State Clearinghouse for state review. (Section 15148 of CEQA Guidelines)

There are several points in the EIR requirements that may need some additional attention beyond what might already be covered for Preservation Act purposes. Local agencies may also need to describe the environmental setting and impacts beyond the Suisun Marsh for EIR purposes.

A Negative Declaration or a draft EIR prepared on the LPP must be submitted to the State Clearinghouse, as well as the regional clearinghouse at the Association of Bay Area Governments, pursuant to Section 15161.5 of the CEQA Guidelines. The State Clearinghouse review period on draft EIRs is 45 days, and local agencies must consequently provide for a local review period of at least the same length.

In addition, the final EIR must contain:

(1) the draft EIR or a revision of the draft;

- (2) comments and recommendations received on the draft EIR either verbatim or in summary;
- (3) a list of persons, organizations and public agencies commenting on the draft EIR; and,
- (4) the responses of the lead agency to significant environmental points raised in the review and consultation process (Section 15146 of CEQA Guidelines).

For further details on environmental requirements under CEQA, if an EIR is required for the LPP, local governments should consult Public Resources Code, Section 21000-21150; Title 14 of the California Administrative Code, Section 15000 et seq.; and the California Environmental Quality Act: A Practical Guide to State Environmental Impact Reporting Requirements, currently being prepared by the Office of Planning and Research.

CHAPTER VI. PRELIMINARY REVIEW AND CERTIFICATION

Because of the complex procedures required for both formal local adoption and formal County and BCDC approval and certification of the LPP, the Preservation Act clearly recognizes the need for early guidance from both the County and BCDC on the content of the LPP prior to each local agency's formal adoption of the LPP and submittal for certification (Section 29411). The steps in the review and certification process are outlined in the following sections.

Preliminary Development of the LPP

Each local agency will prepare a draft of its proposed component of the local protection program. The draft component will include, as applicable, all proposed amendments, modifications, or new portions of: (1) land use plans, (2) management programs, and (3) zoning ordinances, regulations, and enforceable standards. The draft component will be circulated to other local agencies, state and federal agencies, and public groups and individuals for review and comment. The proposed component will also be reviewed during the local agency's public participation process. In addition a draft EIR (or Negative Declaration) will be prepared on the proposed component and circulated according to the environmental review process outlined in Chapter V.

The local agency's governing body shall hold a public hearing(s) on the proposed component and draft environmental document. For some local agencies which must address a number of marsh planning issues, the local governing body's review procedure may involve a number of hearings and thus a greater

amount of time. After the hearing process, whatever changes to the proposed component and draft environmental document determined necessary by the local agency should be made and the local agency should submit the proposed component and draft environmental document to Solano County for review.

The Suisun Resource Conservation District, after circulating its proposed component for review and holding its public hearing(s), should submit its proposed component and draft environmental document directly to BCDC. It should also send a copy to Solano County and each other local agency preparing a LPP component.

As part of the review procedure, the Suisun Resource Conservation District should send its proposed component to the Department of Fish and Game for review and comment and the Solano County Mosquito Abatement District should send its proposed component to the State Director of Public Health for review and comment (see Section 29415(b) and (c)).

Preliminary Review of the LPP and Draft Environmental Documents

The proposed components and draft environmental documents will be reviewed by Solano County prior to submittal to BCDC for review.

1. Review by Solano County

Generally, before the local agencies take formal action on their proposed components of the LPP they will want assurance from Solano County that the component is in conformance with the Preservation Act and Protection Plan. Section 29411(a) and (b) allows for this by requiring that the Solano County LAFCO, the Cities of Benicia, Fairfield, and Suisun City, and the special purpose districts shall submit proposed components of the LPP to Solano County, which will determine whether the proposed components are in conformance with the Preservation Act and Protection Plan.

The proposed components at this first stage of review will include proposed text, maps, and diagrams of all land use plans, management programs, zoning ordinances, regulations, and enforceable standards that would be adopted by the local agency's governing body to meet the provisions of the Act and policies of the Protection Plan.

If the County determines that the proposed components conform to the Preservation Act and the Protection Plan and the environmental document is adequate, it will so inform the affected local agencies and submit the proposed LPP components, including the component and environmental document of the County, to BCDC for preliminary review and endorsement. If the County determines that a proposed component does not conform to the Act or the Plan, it will return the component to the local agency with an explanation of what is necessary to perfect the component. The local agency may amend its component or its environmental document and resubmit it to the county.

Prior to its preliminary review of the submitted components and draft environmental documents, the County will circulate the proposed components and draft environmental documents, including its component and draft environmental document, to the other local agencies, state and federal agencies, and public groups and individuals involved with the local protection program process.

The County will hold a public hearing(s) on the integrated proposed LPP and draft environmental document, and after any desireable changes have been made to either the proposed component or draft environmental document, shall submit both documents to BCDC for review.

2. Preliminary submittal to BCDC

BCDC will review the proposed local protection program and draft environmental document at a regularly scheduled Commission meeting and shall advise the County as to whether the proposed LPP is in conformance with the

Preservation Act and Protection Plan. The Commission shall inform the County and the Suisun Resource Conservation District of the action it determines would be necessary, if any, to bring the proposed LPP into conformance with the Act and Plan. BCDC will also comment on the draft environmental document at this time.

BCDC, prior to its review of the proposed LPP and draft environmental documents, will circulate the documents to all local, state, and federal agencies, public groups and individuals involved with the LPP process as required by Section 29413 and 29414. The Commission will hold a public hearing(s) on the proposed LPP and after the public hearing(s) will determine whether the proposed LPP is in conformity with the Preservation Act and Protection Plan.

If BCDC determines that the LPP is not in conformance with the Act or the Plan, it will inform the County, or in the case of the Suisun Resource Conservation District, the District, on what would be necessary to perfect the LPP.

If BCDC determines that the proposed LPP is in conformity with the Act and the Plan, it will so inform the County and the District. The County, in turn, will inform the local agencies of conformity or of any action BCDC has determined necessary to perfect the component of the LPP.

Local Adoption of the LPP

After BCDC has determined conformity, the local agencies must formally adopt their component by resolution before the component or LPP may be certified (Section 29410(a)).

Each local agency's governing body will adopt its component by resolution, certify the environmental document, and forward a copy of the resolution of

adoption and certification to Solano County along with the adopted component. Once again, local agencies that have addressed many marsh planning issues may require in their adoption procedure that a number of hearings be held and thus greater time will be needed to complete the adoption process. Solano County will adopt its component by resolution and certify its environmental document as well. The County will review each adopted component to determine whether the component adopted is the component BCDC determined was in conformity with the Preservation Act and Protection Plan. If the County determines that is so, it shall adopt the LPP by resolution, certify the environmental document, and submit the local agency and County resolutions of adoption and certification and the documents to BCDC.

The Suisun Resource Conservation District shall also adopt its component by resolution, certify its environmental document, and submit the resolutions and document to BCDC.

Certification of the LPP

BCDC shall review the adopted LPP and certified environmental document, and if it determines that the adopted LPP is what it had determined was consistent with the Act and the Plan at its preliminary review hearing, it shall certify the local protection program (see Section 29415).

Procedural Requirements

There are several requirements for public hearings and public notice that must be fulfilled by the local agencies prior to submission of the proposed LPP to Solano County and the County to BCDC. The requirements include those contained in: (1) the State CEQA Guidelines; (2) Sections of the Government Code pertaining to the amendment or adoption of general plan elements and zoning ordinances; and (3) the Preservation Act. These requirements, however,

should be consolidated to obviate the need for single-purpose hearings and duplication of effort.

The Preservation Act requires that each local agency hold at least one public hearing on each component of the LPP as well as the LPP itself. In addition, the submittal of the proposed LPP, or proposed component to BCDC must be made by a resolution adopted by the local governing body after public hearing (section 29410(a)). As previously mentioned, before the final local action (a resolution and/or adoption of plans) is taken, the proposed LPP documents must have been noticed and made available for public review. This would include notice of local hearings, including those of the planning commissions as well as the governing bodies.

Whenever the LPP includes amendments to or new elements of the local general plan or zoning ordinance, the adoption must conform to the state planning law requirements (Sections 65350 et seq. of the Government Code). Notice of planning commission and legislative body hearings must be made in newspapers of general circulation, or posted if no appropriate newspaper exists, at least 10 calendar days before the hearings.

As discussed earlier in Chapter V, CEQA requires that there be an environmental review of the LPP, although CEQA leaves public hearings to the discretion of the local government. Public availability of environmental documents and public notice requirements specified in CEQA Guidelines are applicable (Section 15160-15165, Calif. Administrative Code). If an EIR is prepared on the LPP, at least 45 days must be allowed for State Clearinghouse review of the draft. The final EIR must be accepted by the local government before the LPP may be submitted to BCDC for certification.

To consolidate the various requirements, local agencies are advised to do the following:

- (1) Integrate the environmental review with the proposed LPP in one document.
- (2) Provide for the LPP document review at the same time as fulfilling the requirement for 45 day State Clearinghouse review of draft EIRs.
- (3) Hold public hearings on the environmental documents at the same time as required public hearings on the proposed LPP; and
- (4) Provide for notice circulation and publication a minimum of ten (10) working days prior to the public hearings of the planning commission and legislative body. Thus, the requirement of planning law will be satisfied.

CHAPTER VII. PROVISION AND POLICY GROUPS

This section of the guidelines sets forth and discusses the provisions of the Preservation Act and policies of the Protection Plan--the provisions and policies to which the local protection program must conform. The provisions and policies have been organized into ten groups as follows:

1. Wildlife Habitat Management and Preservation
2. Agriculture
3. Water Quality
4. Natural Gas
5. Dredging, Filling, and Diking
6. Utilities, Facilities, and Transport
7. Recreation and Marsh Access
8. Water Management
9. Visual Characteristics
10. Water-Related Industry

Following each policy group are comment notes, designed to clarify the policy groups.

There will be language repetition in some policy groups because certain Act provisions and Plan policies apply to more than one topic or policy group. In these cases, the language that relates to the policy group topic being discussed is to be emphasized.

Wildlife Habitat Management and Preservation.

1. Preservation Act Provisions.

29401. Within the marsh the local protection program shall include, but not be limited to, the following:

(d) A management program prepared by the Suisun Resource Conservation District designed to preserve, protect, and enhance the plant and wildlife communities within the primary management area of the marsh, including, but not limited to, enforceable standards for diking, flooding, draining, filling, and dredging of sloughs, managed wetlands, and marshes.

(e) Zoning ordinances or zoning district maps, or both, designating principal permitted uses on lands within the marsh, which ordinances or maps shall designate the existing agricultural and wildlife habitat uses of such lands as principal permitted uses of such lands.

(i) Enforceable standards for development adjacent to creeks and watercourses to protect riparian habitat and to prevent waterway modification or vegetation removal that increases sedimentation or runoff in or into the marsh, to an extent that a significant, adverse environmental impact will occur in the marsh.

29409.5. The component of the local protection program prepared by the Solano County Local Agency Formation Commission shall conform to this division and the policies of the protection plan, which shall govern its decisions. That component of the local protection program shall be specifically designed to encourage continued long-term agricultural use of lands within and adjacent to the marsh and continued wildlife use of lands within the marsh.

2. Protection Plan Policies

- Policies on Environment

1. The diversity of habitats in the Suisun Marsh and surrounding upland areas should be preserved and enhanced wherever possible to maintain the unique wildlife resource.

2. The Marsh waterways, managed wetlands, tidal marshes, seasonal marshes, and lowland grasslands are critical habitats for marsh-related wildlife and are essential to the integrity of the Suisun Marsh. Therefore, these habitats deserve special protection.

3. Existing uses should continue in the upland grasslands and cultivated areas surrounding the critical habitats of the Suisun Marsh in order to protect the Marsh and preserve valuable marsh-related wildlife habitats. Where feasible, the value of the upland grasslands and cultivated lands as habitat for marsh-related wildlife should be enhanced.

4. The eucalyptus groves in and around the Marsh, particularly those on Joice and Grizzly Islands, should not be disturbed.

— Policies on Land Use and Marsh Management

- 1. The managed wetlands, tidal marshes, lowland grasslands and seasonal marshes should be included in a primary management area. Within the primary management area existing uses should continue and both land and water areas should be protected and managed to enhance the quality and diversity of the habitats.**
- 2. Agriculture within the primary management area should be limited to activities compatible with, or intended for, the maintenance or improvement of wildlife habitat. These include extensive agricultural uses such as grain production and grazing. Intensive agricultural activities, involving removal or persistent plowing of natural vegetation and maintenance of fallow land during part of the year should not be permitted. Grain production should be confined to the Grizzly Island Wildlife Area and relatively small, well-suited areas of some of the large duck clubs. Grazing should be used to control vegetation on duck clubs where plant cover is sub-optimum for waterfowl use and should be discouraged on those clubs where there is already a good mixture of preferred waterfowl food plants. Grazing pressures should not exceed sound range management practices.**
- 3. The tidal marshes in the primary management area should be preserved. Practices recommended by the Solano County Mosquito Abatement District to control mosquitoes, including ditching, drainage, pesticide application, burning, and the use of mosquitofish, should be conducted only where absolutely necessary. Because of potential adverse environmental impacts, pesticide application and burning for mosquito control should be applied only as a last resort. Efforts toward biological control of mosquitoes should be intensified.**
- 7. Burning in the primary management area is a valuable management tool. However, it should be kept to a minimum to prevent uncontrolled fires which may destroy beneficial plant species and damage peat levees, and to minimize air pollution.**
- 8. Permanent ponding, which provides only marginal wildlife benefits should be practiced only in the following situations: (a) in deep ponds that are difficult to drain and manage as seasonally flooded marshes; (b) in limited shallow areas where habitat diversity is desired; (c) in areas of high salinity concentrations. To control mosquitoes, the water level in permanent ponds should be kept constant, and the water should be circulated.**
- 13. Where feasible, historic marshes should be returned to wetland status, either as tidal marshes or managed**

wetlands. If, in the future, some of the managed wetlands are no longer needed for waterfowl hunting, they should also be restored as tidal marshes. Sound practices consistent with Marsh preservation recommended by the Solano County Mosquito Abatement District to control mosquitoes should be followed during and after marsh restoration.

16. State and Federal agencies and the Solano County Mosquito Abatement District should continue and expand their research efforts on marsh management with the objective of improving wildlife habitat, preserving rare and endangered species and controlling mosquitoes. These agencies and the Suisun Resource Conservation District should periodically conduct joint reviews of marsh management programs to ensure that they are compatible with one another and consistent with the policies of the Suisun Marsh Protection Plan.

3. Comments. The provisions and policies on Wildlife Habitat Management and Preservation must be read with the policy group on Water Management.

General and specific plans should include (as applicable):

- Consistent policies regarding protection and preservation of Marsh wildlife habitat.
- Map diagram designations consistent with the protection and preservation of wildlife habitat.

Zoning Ordinances and regulations should contain (as applicable):

- Designation of Marsh wildlife habitat areas in appropriate protection districts or overlay zones with appropriate development standards and regulations.
- Regulations for the management and operation of the managed wetlands to enhance wildlife habitat.
- guidelines for the enhancement of wildlife habitat in conjunction with primary agricultural use in the Marsh.
- Regulations to protect riparian habitat on streams flowing into the Marsh.

Agriculture

1. Preservation Act Provisions.

29427. (a) Prior to certification of the county's component of the local protection program, the county shall designate the area of the county adjacent to the marsh that should be retained in agricultural use, or in uses that are compatible with agricultural use, in order to ensure the long-term agricultural use and productivity of agricultural lands within the marsh.

(b) Within such area the county shall do all of the following prior to certification of the county's component: (1) determine the minimum size parcels necessary for long-term agricultural use and productivity, (2) establish enforceable standards limiting or prohibiting land divisions or other types of development that are inconsistent with protection of the marsh and continued agricultural use, (3) establish enforceable standards precluding agricultural uses by type and intensity that are inconsistent with the long-term preservation of the marsh, and (4) limit special assessments against agricultural lands for the provision of public services, the demand for which is not generated by agricultural uses on such lands.

29401. Within the marsh the local protection program shall include, but not be limited to, the following:

(e) Zoning ordinances or zoning district maps, or both, designating principal permitted uses on lands within the marsh, which ordinances or maps shall designate the existing agricultural and wildlife habitat uses of such lands as principal permitted uses of such lands.

29403. Within the marsh, in addition to the requirements of Sections 29400 and 29401, the component of the local protection program prepared by the county shall include the following:

(a) A determination of the minimum size parcels necessary for long-term agricultural use and productivity.

(b) Enforceable standards limiting or prohibiting land divisions or other development that are inconsistent with protection of the marsh and continued agricultural use.

(c) Enforceable standards precluding agricultural uses by type and intensity that are inconsistent with the long-term preservation of the marsh.

(d) Limitations on special assessments against agricultural lands for the provision of public services, the demand for which is not generated by agricultural uses on such lands.

29404. Notwithstanding the provisions of Section 29403, the local protection program may not include any provision requiring particular crops to be planted and harvested on agricultural lands within or adjacent to the marsh or particular types or numbers of livestock to be grazed on such lands.

29409.5. The component of the local protection program prepared by the Solano County Local Agency Formation Commission shall conform to this division and the policies of the protection plan, which shall govern its decisions. That component of the local protection program shall be specifically designed to encourage continued long-term agricultural use of lands within and adjacent to the marsh and continued wildlife use of lands within the marsh.

2. Protection Plan Policies.

- Policies on Marsh and Upland Resource Use and Management:

2. Agriculture within the primary management area should be limited to activities compatible with, or intended for, the maintenance or improvement of wildlife habitat. These include extensive agricultural uses such as grain production and grazing. Intensive agricultural activities, involving removal or persistent plowing of natural vegetation and maintenance of fallow land during part of the year should not be permitted. Grain production should be confined to the Grizzly Island Wildlife Area and relatively small, well-suited areas of some of the large duck clubs. Grazing should be used to control vegetation on duck clubs where plant cover is sub-optimum for waterfowl use and should be discouraged on those clubs where there is already a good mixture of preferred waterfowl food plants. Grazing pressures should not exceed sound range management practices.

10. Agricultural uses consistent with protection of the Marsh, such as grazing and grain production, should be maintained in the secondary management area. In the event such uses become infeasible, other uses compatible with protection of the Marsh should be permitted. The value of the upland grassland and cultivated lands as habitats for Marsh-related wildlife should be maintained and enhanced where possible by planting or encouraging valuable wildlife food or cover plant species.

3. Comments. The agriculture provisions and policies relate both to (a)

the Suisun Marsh (as defined by Section 29101 of the Act) and (b) the land area adjacent to the Marsh. The latter is important to note because according to Section 29427 of the Act, the County must determine, prior to certification of its component of the LPP, the area adjacent to the Marsh that should be

retained in agriculture to assure that the agricultural uses within the Marsh will be able to continue and remain productive in the long-term.

General and Specific plans should contain (as applicable):

- Consistent land use policies regarding type and intensity of agricultural uses consistent with long-term protection of the Marsh.
- Designation of lands both inside and exterior of the Marsh to remain in agricultural use.
- Designation of the urban-rural boundary (agricultural zoning district boundary lines and LAFCO spheres of influence lines and enforceable policies to maintain those lines).

Zoning Ordinances and Regulations should include (as applicable):

- Appropriate zoning classifications for the long-term protection of agricultural lands within and adjacent to the Marsh, including minimum parcel size and provisions for specific agricultural use.

Water Quality

1. Preservation Act Provisions.

29401. Within the marsh the local protection program shall include, but not be limited to, the following:

(c) Enforceable standards for operation of septic tanks and

Waste water discharges.

(b) Enforceable standards for development designed (1) to minimize soil erosion, especially during construction in areas of soil instability, (2) to require special provisions for surface and subsurface drainage, (3) to ensure that grading restores, rather than disrupts, natural patterns and volumes of surface runoff, and (4) to limit construction of impermeable surfaces over naturally permeable soils and geologic areas, all to control erosion, sedimentation, and runoff within the marsh.

(i) Enforceable standards for development adjacent to creeks and watercourses to protect riparian habitat and to prevent waterway modification or vegetation removal that increases sedimentation or runoff in or into the marsh, to an extent that a significant, adverse environmental impact will occur in the marsh.

29402. Outside the marsh, but within the watershed, the local protection program shall include only ordinances controlling grading, erosion, sedimentation, runoff, and creekside development that meet the requirements of subdivisions (h) and (i) of Section 29401.

2. Protection Plan Policies.

- Policies on Water Supply and Quality:

5. Projects designed to import or redistribute the fresh water in the Marsh for salinity control should be planned carefully so that the expected benefits are realized. Furthermore, any proposed import project should be studied to determine if the project would adversely affect the Marsh by encouraging urban and industrial growth in the Marsh area. No import project should be constructed if the adverse environmental impacts of growth on the Marsh would outweigh the possible beneficial impacts of salinity control.

6. To prevent crop damage in some areas, the withdrawal of groundwater from the underground aquifers surrounding the Marsh may be desirable. Withdrawal should not be so extensive as to allow the salt water of the Marsh to intrude into fresh water aquifers, or to disrupt the natural subsurface flow of groundwater into the Marsh.

7. Disruption or impediments to runoff and stream flow in the Suisun Marsh watershed should not be permitted if it would result in adverse effects on the quality of water entering the Marsh. Riparian vegetation in the immediate Suisun Marsh watershed should be preserved, and stream modification permitted only if it is necessary to ensure the protection of life and existing structures from floods. Only the minimum amount of modification necessary should be allowed in such cases. Local runoff, erosion and sediment control ordinances should be established to protect the Marsh from potential adverse impacts.

- Policies on Water Supply and Quality (con't):

8. There are several proposals to use local or imported municipal wastewater for Marsh enhancement, as well as for agricultural irrigation in the Fairfield-Suisun area. Careful monitoring of any treated or untreated discharges from municipal, agricultural, and industrial sources should be carried out to assure maintenance of adequate water quality in the Marsh.

10. The development of industrial facilities adjacent to or upstream from the Marsh should not be permitted if they have the potential to cause significant adverse impacts on the water quality of the Suisun Marsh. Activities that could significantly alter the temperature, salinity or turbidity of the water should be prohibited. Industrial facilities that will increase the potential for spills of toxic and hazardous materials should not be permitted unless it is established that spills of such materials will not represent a significant threat to the Marsh.

- Policies on Utilities, Facilities, and Transportation:

5. Because septic tanks do not function properly in the wetland area, the Solano County Department of Public Health should institute a program to phase out existing septic tanks in the wetlands and require new systems that would properly dispose of wastes as required by the Solano County Health Department and the Regional Water Quality Control Board.

- Policies on Marsh and Upland Resource Management:

14. Any development in the Suisun Marsh watershed or secondary management area proposed for areas that have poor soil conditions for construction or that are seismically active, should be controlled to prevent or minimize earth disturbance, erosion, water pollution, and hazards to public safety. Local runoff, erosion, and sediment control ordinances should be established in the immediate Suisun Marsh watershed to protect the Marsh from these potential adverse effects.

15. Riparian vegetation in the immediate Suisun Marsh watershed should be preserved due to its importance in the maintenance of water quality and its value as Marsh-related wildlife habitat. Stream modification should only be permitted if it is proved necessary to ensure the protection of life and existing structures from floods and only the minimum amount of modification necessary should be allowed.

3. Comments. These provisions and policies are designed primarily to protect the quality of water in the marsh from: (1) contaminated wastewater, (2) sedimentation, and (3) spills of toxic and hazardous materials. Special

emphasis is placed on preventing sediments from entering the marsh from construction activity upstream from the Marsh in the immediate watershed.

General and specific plans should contain:

- Consistent of policies and map designations of conservation areas conservation buffers where necessary to protect riparian habitats on streams flowing into the marsh (i.e. streamside protection).
- Policies related to prevention of upstream industrial uses that would significantly alter the temperature, salinity, and turbidity of Marsh water and increase the potential for spills of toxic and hazardous material.

Zoning Ordinances and regulations should include:

- Regulations for operation of septic tanks
- Storm water run-off, sediment, and erosion control ordinances
- Creekside protection ordinances which designate buffer areas along streams in appropriate use or overlay district (e.g. conservation, stream protection) which emphasizes minimal disturbance to stream bed and riparian habitat and include appropriate development standards within the buffer area.

Natural Gas

1. Protection Plan Policies.

- Policies on Natural Gas Resources

1. Transportation of natural gas by underground pipeline is the most economical and safe method of gas transportation in the Suisun Marsh area. Future gas pipelines should be permitted if they are consistent with the Suisun Marsh Protection Plan and if the design and construction meet the following standards:

(a) Existing pipeline systems are utilized to the maximum extent feasible.

(b) The pipeline design meets all applicable safety standards of the Office of Pipeline Safety Operations (OPSO) and other regulatory agencies.

- (c) The pipeline route avoids tidal marshes and managed wetlands wherever possible and, if that is not possible, the route crosses as little marsh or managed wetland as possible.
- (d) Wide track or amphibious construction equipment is used in tidal marsh or managed wetland areas. Pads or mats are used as needed to prevent any construction equipment from sinking into the soft marsh muds and damaging the marsh plants.
- (e) The "trench and push" construction method is used in all tidal marsh and managed wetland areas where feasible, so that the construction zone is kept as small as possible and the minimum amount of heavy equipment passes through the marsh or wetland area.
- (f) Prior to any pipeline construction or related activities in the Marsh, the contractors consult with the Department of Fish and Game to determine at what time such construction or related activities should be conducted so as to create the least possible adverse impact on breeding, migration, or other fish and wildlife activities.
- (g) Prior to any underground pipeline construction in the Marsh, the contractors consult with the Solano County Mosquito Abatement District to ensure existing re-circulation water ditches are not blocked and levees are adequately repaired after pipeline construction, or that effective mosquito control measures are maintained.
- (h) At slough, mudflat and bay crossings of gas pipelines, the trench is dredged in a manner that minimizes turbidity and prevents interference of the dredging operation with fish or wildlife.
- (i) A regular surface and aerial inspection of the pipeline route is carried out as required by OPSO.

2. If additional gas wells or ancillary facilities are required for gas exploration, production, or injection, the drilling should be accomplished with the following safeguards:

- (a) Drilling operations conform to the regulations of the California Division of Oil and Gas designed to prevent damage to natural resources.
- (b) The drilling operation is confined to as small an area as possible and does not irreversibly damage unique vegetation or fish and wildlife habitats.
- (c) After drilling is complete, all drilling muds, waterwaste, and any other fluids are removed entirely from the site and disposed of in a manner that does not adversely affect the Marsh.
- (d) All buildings, tanks "christmas trees" or other facilities related to the production or storage of natural gas do not result in the permanent loss of water surface in the Marsh.

3. Construction and drilling in tidal marsh and managed wetland areas should occur only during the dry months of the years (generally May through August) when these activities would not disturb wintering waterfowl.

4. If gas wells are abandoned, they should be sealed in accordance with Division of Oil and Gas regulations; the drilling or production facilities should be removed; and the surface area should be revegetated with native vegetation within one growing season after abandonment.

5. Storage of natural gas in depleted gas reservoirs is a reasonable use of the resource and should be permitted. Storage facilities should meet all safety standards of the Division of Oil and Gas.

6. Because the Suisun Marsh offers both natural gas and depleted gas fields suitable for gas storage, and because it is close to the urban Bay Area and the proposed waterfront industrial area on the Sacramento River, gas will probably continue to be transported out of, into, and around the Marsh. All gas transportation into and out of the Marsh is now by underground pipeline systems. If other types of systems for the transport or storage of liquified natural gas (LNG) are proposed for the Suisun Marsh area, a detailed investigation of the hazards and impacts of LNG facilities should be carried out prior to approval of the facilities.

2. Comment. Natural gas is an important resource of the Marsh. The exploration for, extraction of, and storage of gas would be permitted in the Marsh if the design, construction, and operation of facilities are carried out in a manner that minimizes Marsh impact.

General and specific plans should contain (as applicable):

- Consistent policies that will support the continued exploration, extraction, and storage of natural gas.
- Designation of applicable exploration, extraction, and storage design, construction, and operation methods which would minimize Marsh impacts.

Zoning Ordinances and regulations should contain (as applicable):

- Designation of natural gas exploration, extraction, and storage uses consistent with land use plan policies.
- Designation of the process, including design, construction, and operation methods, that will minimize impacts on the Marsh.

Utilities, Facilities, Transportation

1. Preservation Act Provisions.

29409. Notwithstanding the policies of the protection plan, the local protection program may not preclude the future development of a new solid waste disposal site in the Potrero Hills if it can be demonstrated that the construction and operation of solid waste facilities at that site would not have significant, adverse ecological or aesthetic impacts on the marsh.

2. Protection Plan Policies.

- Policies on Utilities, Facilities, and Transportation.

1. In the Suisun Marsh and upland areas necessary to protect the Marsh, improvements to public utility facilities should follow these planning guidelines:

(a) New electric power transmission utility corridors should be located at least one-half mile from the edge of the Marsh. New transmission lines, whether adjacent to the Marsh or within existing utility corridors, should be constructed so that all wires are at least six feet apart.

(b) Urban utilities and public services (e.g. natural gas lines, electric lines for local power distribution, domestic water mains, and sewers) should be allowed to extend into the Suisun Marsh and the adjacent upland area necessary to protect the Marsh, only to serve existing uses and other uses consistent with protection of the Marsh, such as agriculture. However, utilities in the secondary management area necessary for the operation of water-related industry within the area designated for such use in the Suisun Marsh Protection Plan at Collinsville would be permissible.

(c) Within the Marsh, new electric lines for local distribution should be installed underground unless undergrounding would have a greater adverse environmental affect on the Marsh than above-ground construction, or the cost of underground installation would be so expensive as to preclude service. Any distribution line necessary to be constructed above ground should have all wires at least six feet apart.

(d) New telephone lines installed in the Marsh and within one-half mile of the Marsh should be buried underground. Existing telephone lines in the Marsh should be buried at the time of line repair. All new telephone cables routed through the Suisun Marsh area should be buried, and the alignment should avoid wetland areas whenever possible.

(e) New roadways (highways, primary and secondary roads) and rail lines that form barriers to movement of terrestrial wildlife should not be constructed in the Suisun Marsh or in adjacent uplands necessary to protect the Marsh except where such roadways and rail lines are necessary in the secondary management area for the operation of water-related industry within that area designated for such use in the Protection Plan at Collinsville. Reconstruction of the Sacramento Northern Railroad rail line within the existing right-of-way on the east side of the Marsh should be permitted to serve water-related industrial development at Collinsville. Whenever the reconstructed line would pass through wetland areas, it should be constructed on trestles, except for the section of rail between Montezuma and the Sacramento River shoreline. This portion may be constructed on solid fill to protect the inland industrial area from flooding.

2. In the Marsh, only existing uses or uses otherwise consistent with the Suisun Marsh Protection Plan should be allowed to use the treatment capacity of the Fairfield Subregional Waste Water Treatment Plant.

3. Underground pipelines, wires and cables should be permitted in the Suisun Marsh if no alternative route is feasible and they are designed and constructed to meet the following standards:

(a) Installation of pipes, wires, and cables (particularly local service utilities) are located within existing road rights-of-way whenever possible.

(b) All pipelines passing through the Marsh meet Pipeline Safety Regulations of the U.S. Department of Transportation regarding pipe thickness, pressure limiting devices, emergency shut-down valves and other safety design criteria.

(c) Whenever construction occurs within the wetlands, it is confined to the dry months (generally May-August) to minimize disturbance of wetland vegetation, wintering migratory waterfowl, other water-associated birds, and nesting resident birds.

(d) Wide-track or amphibious construction equipment is used to reduce the bearing weight of the equipment unless pads are laid on the wetland area to support the heavy machinery and to prevent it from sinking into the soft marsh soil. Equipment movement to the construction site within the Marsh is limited to roads in the immediate vicinity of the pipeline, wire, or cable being installed to minimize disruption of Marsh wildlife habitat. The construction site is well defined and clearly marked so that workers do not disturb adjacent Marsh areas.

(e) When a trench is cut to install a pipe, wire, or cable, excavation is only slightly wider than the utility line to be buried to minimize wetland disturbance.

(f) When pipelines only are being installed across wetlands, the "trench and push" method of construction is employed. This construction method, the least damaging to the wetlands because it avoids the need for heavy equipment alongside the trench to install the pipe, involves filling the excavated trench with water and pushing or pulling the assembled pipe through the Marsh trench.

6. To protect the Marsh from potential accidental drainage of toxic materials, any future expansion of the Pacific

Reclamation and Disposal, Inc. facility should meet all requirements of the Regional Water Quality Control Board, and any future dam construction to contain waste material should meet all requirements of appropriate regulatory agencies, such as the Division of Dam Safety. Any future expansion, construction, or operation of the Pacific Reclamation facility outside the area currently under option should be away from the steep slopes of the hills that front directly on the Marsh.

7. The Solano Garbage Company should be permitted to continue its existing County approved operation until it reaches capacity. Expansion of this facility or development of a new site in the Potrero Hills for a central solid waste disposal facility would impact upland grassland areas, including the golden eagle nest site, which provide valuable habitat for Marsh-related wildlife. Therefore, development of these sites for solid waste use appears to be inconsistent with protection of the Marsh and should not be permitted unless it can be shown (1) that no other practical, reasonably accessible alternative site to Solano County is available and (2) that the construction and operation of such facilities would not have adverse ecological or aesthetic impacts on either the Marsh or adjacent uplands necessary for protection of the Marsh and Marsh-related wildlife. Development of a central solid waste disposal site in Jameson Canyon could be permitted if the development would not adversely affect the Jameson Canyon Creek or its riparian vegetation.

8. Material Disposal Company's debris disposal facility, which is currently not in operation, should not be permitted to resume functioning because its operation would involve fill in tidal marsh and is not compatible with preservation of the Marsh.

3. Comments. These provisions and policies are generally designed to limit the extension of an urban infrastructure into the Marsh and to set guidelines for construction of authorized utilities and facilities so that such construction will have a minimal Marsh impact.

General and specific plans should contain (as applicable):

- Consistent policies on the extention of urban infrastructure (e.g., water, power, sewers, roads) into the Marsh.
- Consistent policies and map designations concerning solid waste disposal facilities.
- Consistent policies on methods of construction allowable for utility, facility and transport projects.

Zoning ordinances and regulations should contain (as applicable):

- Designation of appropriate land use districts for solid waste facilities.
- A process to include construction policies which minimize development impacts on the Marsh as special conditions in Marsh development permits.

Dredging, Filling and Diking

1. Preservation Act Provisions.

29401. Within the marsh the local protection program shall include, but not be limited to, the following:

(b) Enforceable standards for diking, flooding, draining, filling, and dredging of sloughs, managed wetlands, and marshes.

(d) A management program prepared by the Suisun Resource Conservation District designed to preserve, protect, and enhance the plant and wildlife communities within the primary management area of the marsh, including, but not limited to, enforceable standards for diking, flooding, draining, filling, and dredging of sloughs, managed wetlands, and marshes.

2. Comments. The provisions of the Act are intended to apply to the location, standards of construction, method, and timing of construction, and standard of maintenance of outboard and internal dikes and levees in the Marsh. Also, the provisions apply to the flooding and drainage of Marsh lands wetlands and dredging of Marsh water areas.

General and specific plans and management programs should contain (as applicable):

- Consistent policies regarding criteria for allowing diking, filling, dredging, etc.

Zoning ordinances and regulations should contain (as applicable):

- Criteria, standards, and procedures for dredging, diking, and filling sloughs, diked non-managed wetlands, and tidal areas (e.g., tidelands waterway ordinance).
- Criteria, standards, and procedures for diking flooding, draining, filling, and dredging managed wetlands and sloughs and tidal areas that are physically within or intergally a part of managed wetlands.

Recreation and Marsh Access

1. Preservation Act Provisions.

29009. The Legislature further finds and declares that land within or adjacent to the Suisun Marsh should be acquired for public use or resource management, or both, and facilities suitable for such purposes should be constructed thereon, if the land meets one or more of the following criteria:

(a) It is suitable for passive recreational purposes such as fishing and nature observation and is located in the outer portions of the marsh near population centers or existing transportation routes, such as State Highway Route 12.

(b) It is suitable for the purpose of restoring areas to tidal action or to marsh or managed-wetland conditions and such restoration cannot be required as a condition of private development.

(c) It is suitable for providing additional wildlife habitat necessary to effective wildlife management, including consolidation of management units and improved public hunting opportunities. Acquisitions within this category should avoid privately owned property already managed as wildlife habitat unless offered for sale to the state.

29011. The Legislature further finds and declares that the Suisun Marsh is a fragile ecological system and that, in order to protect wildlife, many areas of the marsh should not be subject to extensive human intrusion. Highest priority, therefore, should be given to developing and maintaining opportunities for public access on lands currently in, or in the future to be in, public ownership.

2. Protection Plan Policies.

- Policies on Recreation and Access

1. Additional land should be acquired within the Suisun Marsh to provide for increased public duck hunting recreational use and additional refuge areas for waterfowl during the hunting season. Acquisition priority should be given to those lands not now operated as managed wetlands.

3. Land should also be purchased for public recreation and access to the Marsh for such uses as fishing, boat launching, and nature study. These areas should be located on the outer portions of the Marsh near the population centers and easily accessible from existing roads. Improvements for public use should be consistent with protection of wildlife resources.

4. Public agencies acquiring land in the Marsh for public access and recreational use should provide for a balance of recreational needs by expanding and diversifying opportunities for activities such as bird watching, picnicking, hiking, and nature study.

5. Agencies administering land acquired for public access and recreational use should be responsible for maintaining the areas and controlling their use. Signing on roads leading into the Marsh and maintained litter receptacles at major public use areas should be provided by the appropriate local or State agency to prevent littering and vandalism to public and private property.

6. Recreational activities that could result in adverse impacts on the environmental or aesthetic qualities of the Suisun Marsh should not be permitted. Levels of use should also be monitored to insure that their intensity is compatible with other recreation activities and with protection of the Marsh environment. For example, boat speeds and excessive noise should be controlled and activities such as water skiing and naval training exercises should be kept at an acceptable level.

- Policies on Water-Related Industry

(h) The industrial waterfront is attractive and interesting to many people and public access to the shoreline should be provided wherever feasible, unless it will result in interference with industrial activities or hazards to the public. Public access to exceptional natural features within industrial areas should also be provided wherever feasible.

3. Comments. The provisions and policies of the Recreation and Marsh Access policy group are intended to encourage and provide an increased variety of public access to and recreation use of the Marsh while minimizing adverse environmental impacts of extensive and intensive human intrusion.

General and specific plans should contain (as applicable):

- Consistent policies regarding provision, resource protection, maintenance, and management of public access and recreation areas.
- Designation of existing and proposed shoreline access and recreation areas for public use.
- Consistent policies for public agency acquisition, improvement, resource protection, and management of public access and recreation areas.
- Designation of appropriate types and intensity of recreation use.
- Designation of appropriate visitor-serving area.

Water Management

1. Preservation Act Provisions.

9962. The district shall have primary local responsibility for regulating and improving water management practices on privately owned lands within the primary management area of the Suisun Marsh in conformity with Division 19 (commencing with Section 29000) and the Suisun Marsh Protection Plan. To carry out this responsibility, the district shall have the following powers in addition to those conferred on the district by this division:

(a) The district shall issue regulations requiring compliance with any water management plan or program for privately owned lands within the primary management area if such plan or program has been prepared by the district and approved and certified by the San Francisco Bay Conservation and Development Commission as a component of the local protection program required by Chapter 6 (commencing with Section 29500) of Division 19. Violation of any such regulation by any person is a misdemeanor.

29401. Within the marsh the local protection program shall include, but not be limited to, the following:

(d) A management program prepared by the Suisun Resource Conservation District designed to preserve, protect, and enhance the plant and wildlife communities within the primary management area of the marsh, including, but not limited to, enforceable standards for diking, flooding, draining, filling, and dredging of sloughs, managed wetlands, and marshes.

29412.5. Notwithstanding Sections 29411 and 29412, the component of the local protection program prepared by the Suisun Resource Conservation District shall be submitted directly to the commission not later than January 1, 1979. Such component shall include a water management program for each managed wetland in private ownership within the primary management area and shall specify all necessary development related to such management. Such component shall be processed by the commission pursuant to Sections 29413, 29414, 29415, and 29416 with the remainder of the local protection program submitted by the county.

2. Protection Plan Policies.

- Policies on Land Use and Marsh Management

4. The water management schedule developed by the U.S.D.A. Soil Conservation Service and the California Department of Fish and Game and ratified by the Solano County Mosquito Abatement District should be used to the maximum extent possible in the managed wetlands. This schedule provides the most desirable habitat for waterfowl as well as many other types of marsh wildlife, and will also result in good mosquito control if properly managed.

3. Comments. The intent of the provisions and policies are to promote optimum water management practices on the managed wetlands for waterfowl habitat as well as the control of mosquitos.

Regulations should contain (as applicable):

-- Water management standards for flooding, diking, draining, filling and dredging.

Visual Characteristics.

1. Preservation Act Provisions.

29401. Within the marsh the local protection program shall include, but not be limited to, the following:

(g) Enforceable standards for the design and location of any new development in the marsh to protect the visual characteristics of the marsh and, where possible, to enhance views of the marsh.

2. Comments. This provision is intended to protect views of the Marsh from adjacent upland areas as well as views from the Marsh, and to assure that any new development in the Marsh is complementary (e.g., size, shape, color) to the natural Marsh landscape.

General and specific plans should contain (as applicable):

- Consistent policies regarding the protection of Marsh views and visual quality (views of the Marsh and from the Marsh).

Zoning ordinances and regulations should contain (as applicable):

- Design review criteria and standards to ensure that new development at the edge of the Marsh does not block views of the Marsh and that development within the Marsh is visually compatible with the Marsh landscape.

Water-Related Industry

1. Preservation Act Provisions

29401. Within the marsh the local protection program shall include, but not be limited to, the following:

- (f) Enforceable standards for development to ensure that any use of deepwater industrial and port areas near Collinsville designated on the Suisun Marsh Protection Plan Map is in conformity with the policies of the protection plan.

2. Protection Plan Policies

- Policies on Water-Related Industry

4. The western portion of the Collinsville site, below the 10-foot contour line, does present physical constraints for development and consists of critical Marsh-related wildlife habitats. Nevertheless, the southern part of this area, with deep water access, has very high value to industry and should therefore be reserved for water-related industry. The western boundary of the area to be reserved for water-related industry should follow the 10-foot contour line south until it meets the railroad grade, then proceed along the railroad grade to the bench mark at Montezuma, and then run from the bench mark to a point on the shoreline 3,200 feet west of Bench Mark 3, which is located east of the Collinsville inlet. This provides 1,000 feet of undeveloped shoreline between the mouth of Montezuma Slough and any industrial activity.

At the time of development, an impervious dike (which may be a railroad bed) should be constructed by the developer along the western edge of the water-related industry area and within the area reserved for industry so that if the area between the dike and Montezuma Slough is opened to tidal action or managed as a wetland, the water-related industry reserve area will not be inundated.

A program to prevent accidental spills of toxic and hazardous materials entering Montezuma Slough should be developed by industries constructing wharf and dock facilities at Collinsville. Prior to the use of such facilities, equipment required to

carry out the prevention program should be installed at the appropriate location at or adjacent to the mouth of Montezuma Slough.

5. The remaining areas of lowland grassland and seasonal marsh in the Collinsville site should be preserved for their intrinsic value as Marsh-related wildlife habitat and to act as a buffer between the Suisun Marsh and industrial activities. There are several land uses that could occur in this area. The existing agricultural use—cattle grazing—could be continued. Portions of the area should also be restored to wetland status, either as tidal marsh or managed wetlands.

6. The feasibility of establishing a special purpose district in the Collinsville-Rio Vista area to provide utilities and services to industries in that area and to function as a port authority should be investigated.

7. The Benicia industry site plays an important role in the regional economy and most of the site is already developed. It should continue to be reserved for water-related industry.

8. All future industrial development adjacent to the Suisun Marsh within areas reserved for water-related industry should conform to the following planning guidelines:

(a) Industrial activities should not have the potential to cause significant adverse impacts on the Suisun Marsh. In particular, water quality should be maintained by ensuring that no hazardous or toxic materials could be introduced into the Marsh sloughs and by prohibiting activities that could alter the temperature, salinity or turbidity of the water. Construction of necessary access routes across wetlands should result in the minimum possible disturbance to the ecosystems and wildlife. Pipelines should be installed using the procedures described in the Plan Policies on Utilities, Facilities, and

Transportation. Conveyor belts and railroads should be constructed on trestles, except in situations, such as along the western boundary of the Collinsville water-related industry area, where a railroad may be constructed on fill in order to provide a dike separating industrial facilities from wetlands.

(b) The construction and development of any industrial facilities adjacent to and upstream from the Suisun Marsh should comply with the Plan Policies on Water Supply and Quality and all applicable State and Federal water and air quality standards.

(c) Industrial facilities should not be located directly adjacent to the Suisun Marsh. A buffer area should be provided to reduce adverse environmental impacts on the Marsh.

(d) Development of industrial sites should not result in the construction of physical barriers, such as freeways, fences, or exposed pipelines, that impede the movement of wildlife. In addition, construction of very tall structures with which birds are prone to collide, especially during migrations and in bad weather, should be avoided. Industrial facilities adjacent to wildlife areas that deter the landing of waterfowl should also be avoided. However, the type, size, and location of structures that could be hazardous cannot now be predicted in advance. Therefore, decisions should be made on a case by case basis to ensure that structures in the vicinity of the Marsh are located and constructed to avoid, to the maximum extent feasible, interference with the flight patterns of waterfowl and other water-associated birds.

(e) Industry sites should be developed to allow the most efficient use of the shoreline. For example, in the Collinsville site, wharves constructed along the shoreline in the area reserved for water-related industry, in addition to any petroleum dock which may be needed, should be shared to the maximum extent feasible by industries locating in the water-related industry area.

(f) Storage of raw materials, fuel, or products should not be permitted at the shoreline on a permanent or long-term basis. The waterfront is too scarce and valuable to accommodate uses, such as storage, that could be located farther inland.

(g) Industrial facilities should be located and designed to avoid visual intrusion on the Suisun Marsh. Where sloping land is to be used for industrial development, it should be terraced, rather than levelled, and soil erosion and storm water run-off should be controlled. Buildings should not be highly visible against the skyline, should have a low profile, be well designed and unobtrusive in appearance, and use colors and materials compatible with the surrounding landscapes. Appropriate landscaping should be used to reduce the impact of industrial structures on views from the Suisun Marsh.

(h) The industrial waterfront is attractive and interesting to many people and public access to the shoreline should be provided wherever feasible, unless it will result in interference with industrial activities or hazards to the public. Public access to exceptional natural features within industrial areas should also be provided wherever feasible.

3. Comments. The provisions and policies relating to water-related industry are intended to ensure that the deep water port and industrial area near Collinsville is allowed to develop for deep water-related industries that these industries will have minimal impact on the Marsh.

General and specific plans should contain (as (applicable)):

-- Consistent policies and use designations for deep water-related industry and port facilities in the Collinsville area.

Zoning ordinances and regulations should include (as applicable):

-- Designation of water-related industrial uses in appropriate land use districts, including specifically defined permitted uses and criteria for conditionally permitted uses and interim uses.

-- Project review procedures and standards for water-related industrial development.

CHAPTER VIII. FUNDING ASSISTANCE

Funding Sources

The Preservation Act outlines two methods of providing financial assistance to local agencies for preparing the local Protection program. These methods are: (1) the use of federal Coastal Zone Management grants, and (2) the reimbursement of expenses for eligible portions of the LPP work through the procedures of Section 2231 of the Revenue and Taxation Code (SB 90). Each of these methods is discussed below, however, it is anticipated that the full costs of preparing the LPP will be reimbursed with federal Coastal Zone Management grants.

1. Federal Coastal Zone Management Grants

Section 306 of the federal Coastal Zone Management Act of 1972, as amended, provides for federal funding assistance for states carrying out coastal zone management programs once a state's program is approved by the Secretary of Commerce. The San Francisco Bay portion of California's Coastal Zone Management program, administered by BCDC, was approved by the Secretary of Commerce on February 16, 1977.

Under the Preservation Act, 20 percent of the funds, but in no event more than \$100,000 received by BCDC in any year from the federal government after January 1, 1978, may be used for the development and implementation of the LPP. To correspond with the allocation of federal funds, the LPP grants will be administered according to the state fiscal year (July 1 - June 30). However, the LPP grant applications will be for the total project, thus

applications for each fiscal year will not be necessary. In any event, funding for the LPP from Coastal Zone Management funds may not be extended beyond June 30, 1980.

All local agencies required to prepare a component of the LPP are eligible for funding assistance. Activities that qualify for funding are those necessary to develop the local protection program, or any component of the LPP, including bringing local general plans, specific plans, management programs, and zoning, regulations, and enforceable standards into compliance with the Preservation Act and the Protection Plan. Grants will not cover the cost of developing general plan elements that are otherwise required by state law or any other work not required by the Preservation Act. Also, reimbursement may not be granted to cover the cost of work carried out on any Marsh development permit or any other permit. Federal grant funds cannot be used for the reimbursement of the cost of work done prior to entering into a contract for the work with BCDC. This contract approach is the only one available under U. S. Commerce Department regulations for the pass-through of federal funds.

The grants will be administered and monitored by BCDC, which will enter into contracts with grantees to accomplish the tasks identified in the work program. BCDC approval of the work program will be required before any grant agreement is executed. However, BCDC may enter into a grant agreement for preparation of the work program for those agencies that need initial funding to prepare the work program. Reimbursement for the costs of carrying out the work program is discussed later in this manual under the Grant Management section.

2. Reimbursement of State-Mandated Costs Under SB 90

The second possible method for reimbursement is by the state General Fund for those local government costs qualifying for reimbursement under Section 2231 of the Revenue and Taxation Code. That section of the Code, SB 90, directs the state to reimburse each local agency for the full cost of any program mandated by state laws that are enacted subsequent to January 1, 1973. In this regard, Section 15 of the Preservation Act states:

The Legislature acknowledges that there may be direct planning and administrative costs in the 1977-78 fiscal year that are cost mandated by the state, as defined in Section 2207 of the Revenue and Taxation Code, as a result of the enactment of this act, but finds that such costs are indeterminable at this time. It is the intent of the Legislature that such costs incurred by local government shall be reimbursed by the state. If such costs do result from the enactment of this act or from subsequent fiscal years, reimbursement shall be provided pursuant to Section 2231 of the Revenue and Taxation Code in the annual state budget process; except, that claims for such costs which may be incurred in the 1977-78 fiscal year shall be submitted to the State Controller by October 31, 1978.

If the Legislature does not provide full funds for state-mandated local costs that are approved by the State Controller as costs qualified for reimbursement under Section 2231 of the Revenue and Taxation Code in the annual state budget process or in special legislation during the 1977-78 and each subsequent fiscal year in which such costs have been so approved, the dates specified for the submission of the local protection program, the implementation of a local protection program, and the performance of any other duty required of local government to be performed after the enactment of Division 19 (commencing with Section 29000) of the Public Resources Code, shall be postponed by the number of years elapsing between the date the local protection program, implementing act, or duty is to be performed and the year in which such funds are provided.

It is the policy of the state that 20 percent of the funds, but in no event more than one hundred thousand dollars (\$100,000), received by the San Francisco Bay Conservation and Development Commission in any year from the federal government after January 1, 1978, pursuant to the Coastal Zone Management Act of 1972, shall be used for the development and implementation of the local protection program.

This section anticipated the availability of federal funds for reimbursement of local government costs mandated by the state. The federal

Coastal Zone Management Act funds may be granted only on a contractual basis, as discussed above, and cannot be allocated for SB 90 reimbursements. It is anticipated that federal funds will fully cover all costs of preparing and implementing the local protection program so that state reimbursement under SB 90 will not be necessary. However, as further noted in Section 15 of the Preservation Act:

The San Francisco Bay Conservation and Development Commission shall review and analyze all SB 90 claims submitted for payment pursuant to this section and shall submit to the State Controller its recommendation. The State Controller shall consider the report of the commission and review claims submitted by any local government pursuant to this section to determine whether such claimed planning and administration costs are directly attributable to the implementation of this act.

The State Controller has established procedures for filing of claims and for determining reimbursable costs under the SB 90 clause, which will be used when such claims are made. In addition, BCDC will apply the following criteria in its review of any claims:

- (1) Only direct Marsh planning costs are reimbursable.
- (2) Such costs must be for activities directly linked to the Preservation Act and the Protection Plan. Costs for activities that are already required of the local agency pursuant to a law other than the Preservation Act (e.g., general plan requirements, court order, etc.), or that would have otherwise been undertaken by the local agency, would not be reimbursable.
- (3) Such costs are for work directly related to a work program for preparation of the local protection program or component of the local protection program specifically approved by BCDC.

(4) Any costs that can be paid for by other sources (i.e., the federal Coastal Zone Management grant) are not to be paid out under the SB 90 provision.

The available federal grant funds are the principal means of assisting local agencies in preparing the LPP. If the grants are not adequate to cover all local agency expenses, the additional costs may be eligible for reimbursement under SB 90.

Without a prior agreement with BCDC the local agency will have no assurance that the costs incurred would be considered necessary under the Preservation Act. Mutual cooperation will be needed to assure that BCDC does not require local agencies to do more work than there are state and federal funds to pay for, and that local agencies do not unilaterally file SB 90 claims.

Grant Application

The grant application package, comprised of the elements listed below, should be submitted in duplicate to BCDC. A complete application consists of the documents and information listed and described below.

- (1) Application Form;
- (2) Resolution of the legislative body authorizing the application;
- (3) Statement of Assurances;
- (4) A-95 Clearinghouse Form (CA 189, CA 484); and
- (5) Work Program, including:
 - (a) Itemized Budget
 - (b) Work Program Schedule
 - (c) Products and Other Milestone Descriptions

Sample forms appear at the end of this Chapter.

1. Application Form. The application form will serve as a cover-sheet to the application package and lists the designated fiscal officer and project director. Correspondence regarding requests for funds and other fiscal matters will be directed to the fiscal officer and all other correspondence will be directed to the project director unless the local agency requests that all correspondence be directed to the project director.

2. Resolution. The local government's legislative body must authorize the submission of the application package and the budget request and authorize the appropriate officer of the city or county to enter into a grant agreement with BCDC.

3. Statement of Assurances. This statement lists nine assurances pertaining to the authority to apply for the grant, discriminatory employment practices, the Hatch Act, access to records, and other requirements of federal grant disbursement. The requirements have been isolated by the Office of Management and Budget for signature by the applicant. Additional requirements of the federal grant are mentioned under the Grant Agreement section.

4. Clearinghouse Review. The LPP grant application must be circulated through both the area and state clearinghouses. The local government must submit the application and appropriate clearinghouse form (CA 189) to the state clearinghouse and the regional clearinghouse at the Association of Bay Area Governments (ABAG). Since the grant agreement cannot be finalized until the review process has been completed, the verification of area clearinghouse review and comments received during the review should be forwarded to BCDC to complete the application package. Comments that have not been resolved by the applicant will be reviewed by BCDC.

5. Work Program. The Work Program includes a description of all major planning objectives and tasks to be undertaken by the applicant to complete the local protection program, as discussed in detail in Chapter I., and is augmented by the following:

- (a) Itemized Budget;
- (b) Work Program Schedule; and
- (c) Milestone Description.

The above supplemental information, which is described in more detail below, will provide the basis for BCDC to review the progress of the local protection program and determine the reimbursement of expenses, particularly for those local agencies requesting incremental payment.

The Work Program should be organized according to the format set out in Chapter I, unless special circumstances warrant BCDC approval of a different format.

(a) Itemized Budget. A budget form is provided for the purpose of itemizing the proposed expenditures for the LPP grant request. The eligibility of individual expenses is explained in the Guidelines for Grant Management, the California Coastal Commission's summary of the applicable state and federal regulations and guidelines for federal Coastal Zone Management grants and thus is applicable to preparation of the local protection program. The document is available from BCDC.

(b) Work Program Schedule. The schedule will provide a timetable for the LPP program development and will indicate the submission dates for the grantee's progress reports. These reports are discussed later in this Chapter. The month in which work will begin and conclude should be noted as a

bar, and the dates on which the various products or other measurable results or work (Milestones) are expected to be completed should also be shown. This is important for those local agencies requesting incremental payment. Incremental payment shall be based on completion of milestone work (e.g., completion of land use stage). A number should be assigned to these products and milestones for reference to the form where they will be described in detail.

(c) Products and/or Milestone Descriptions. This is a tool enabling BCDC to keep track of the work progress and evaluate requests for incremental reimbursement. The local government can use the description as a monitoring device to insure that all important targets are met on time and material circulated to the appropriate audience. Examples of milestones would be completion of the land use plan or adoption of zoning ordinances.

The products and other milestones will be those indicated in the work program. The product and milestone description will use information from the work program and need not entail significant additional information.

Grant Agreement

The grant agreement will consist of all of the information and application materials discussed in the previous section, focusing on the budget, schedule, and work program, as well as an executed grant agreement form and a statement of supplemental conditions which relate to the management of the grant.

The use of federal funds obligates the grantee to comply with certain regulations, policies, and guidelines promulgated by the Office of Management and Budget and the granting agency. The regulations pertinent to LPP funds include Section 306 of the Coastal Zone Management Act of 1972, as amended, the Grants Management Manual for grants pursuant to the Act, Volume 15, Code

of Federal Regulations, Part 920, and Federal Management Circulars 74-4, 74-7 and A-95. A summary of these procedures and regulations, titled Guidelines for Grant Management, will be made available by BCDC. Copies of the original documents will be available at the BCDC office.

Grantees will indicate their acceptance of the grant and terms of the grant by returning a signed copy of the grant agreement to BCDC. Each grant will be numbered and all further references to it should include this number.

Requests for amendments to the grant agreement should be submitted to BCDC together with an explanation of the reason for the amendment and the effect it would have on the work program, budget, and schedule. If necessary, the amendment will be submitted to the Bay Commission for approval and authorization to amend the contract.

Grant Management

The Bay Commission is responsible for insuring that the grantee meets certain requirements pertaining to grant administration and fiscal management. Reporting and reimbursement procedures have been established to facilitate grant monitoring, audits, and grantee reimbursement. Samples of the forms that will be used in grant management follow at the end of this chapter.

BCDC's administration of the LPP will be guided by the following policies:

- (1) Grantees are responsible for efficient and effective administration through the application of sound management practice in all aspects of the work;
- (2) The grantee is responsible for seeing that the grant funds are expended and accounted for in a manner consistent with grant conditions and program objectives; and

(3) Each grantee, in recognition of its own unique combination of staff capabilities and experience, has the primary responsibility for employing whatever form of organization and management techniques that may be necessary to assure proper and efficient administration.

Reports

Each grantee must submit progress reports to BCDC in accord with the schedule set forth in the work program and a completion report within 60 days of the completion of the grant.

1. Progress Report. Each grantee shall submit quarterly progress reports during a fiscal year. These reports can coincide with the grantee's submission of products and request for reimbursement of costs, but must be separate from the completion report. Using the "Product and Milestone Description" discussed earlier, the grantee should provide a list of all products and milestones that have been completed within the reporting period, a brief explanation of how completion was measured, and a list of the status of any other products and milestones for which work was scheduled. The grantee should provide an explanation for any product or milestone that has not been accomplished according to schedule, and a discussion of the activities undertaken to bring the LPP back on schedule.

Documentation of product or milestone completion should be included in the report. In addition, the grantee should include a statement identifying specific activities undertaken to involve the public in the LPP and an equal opportunity statement completed on the form provided. Problems encountered implementing the grantee's Affirmative Action Policy should be discussed.

If consultants were employed on the project during the reporting period, the grantee should explain the reasons for using consultants rather than staff, described the process of consultant selection, and evaluate products or services received.

2. Completion Report. The project completion report serves to notify BCDC of the formal completion of the grant, provides an evaluation of the degree to which program objectives have been met, and transmits a final report on expenditures. It should include:

- (1) A brief statement summarizing what the program intended to accomplish;
- (2) An evaluation of each subcategory objective scheduled for the grant period (e.g., land use plan, regulatory program), including the relationship of the work completed to the LPP;
- (3) The final budget and itemized statement of expenditures;
- (4) An assessment of the extent and quality of citizen involvement; and
- (5) A list of all reports, maps, and other documents resulting from the program.

3. Program Documents. The grantee is required to furnish BCDC with three (3) copies of all documents, published or unpublished, completed as part of the program and specified in the work program. Three color photographs or photostats of models or of unpublished maps or plans which are colored or too large to fold compactly should also be submitted. The photographs and photostats should be labeled and identified.

The cover or title page of all reports, studies, or other documents resulting from this grant shall contain the following acknowledgments:

"This document was prepared with financial assistance from the Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, under the provisions of the Federal Coastal Zone Management Act of 1972, as amended." (Emphasis added.)

4. Fiscal Records. The grantee is responsible for maintaining accurate and complete records of all grant supported expenditures. These records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays and income. All records pertaining to the management of the grant shall be made available to state or federal officials upon request for the purposes of audit or other routine grant related inspection. Records must be maintained for three years after certification of the LPP or until an audit is performed and resolved, whichever is later.

Grant Payments

Up to 75% of the expenses incurred in carrying out the work described in the Work Program may be reimbursed during the course of the grant period. The final 25% will be reimbursed after the agency's component of the LPP has been certified. The reimbursement payments will generally be tied to the completion of products or milestones specified in the Work Program. Reimbursement requests should be supported by program documents and should be only for the amount of funds expended in preparing the document or products. "Request for Reimbursement" forms will be provided to each local agency by BCDC.

BCDC staff will approve reimbursement payments based on review of the products or milestones. For all such partial payments, jurisdictions should normally receive grant payments within 45 days of their requests.

In special cases where long periods without products or local fiscal constraints cause difficulties for a grantee, BCDC may agree to alternative procedures allowing for interim support. Measurable progress on the LPP should be noted in the schedule to accommodate such interim support.

Sample Forms

Following are samples of forms that will be used in the funding assistance process.

LOCAL PROTECTION PROGRAM
APPLICATION FOR WORK PROGRAM FUNDING

NAME OF APPLICANT:

PROJECT DIRECTOR: TITLE:

ADDRESS:

PHONE:

FISCAL OFFICER: TITLE:

ADDRESS:

PHONE:

DISTRICT(S): CONGRESSIONAL: STATE SENATE: STATE ASSEMBLY:

MONTHS REQUIRED TO COMPLETE WORK PROGRAM:

TOTAL COST OF PROGRAM: \$ GRANT PERIOD:

- 1. RESOLUTION AUTHORIZING GRANT APPLICATION
- 2. APPLICATION FORM
- 3. WORK PROGRAM
- 4. PRODUCTS AND OTHER MILESTONES DESCRIPTION
- 5. BUDGET
- 6. STATEMENT OF ASSURANCES
- 7. CLEARINGHOUSE FROM (SUBMIT CA 189 TO ABAG REGIONAL CLEARINGHOUSE AND TO STATE CLEARINGHOUSE. TRANSMIT VERIFICATION OF CLEARINGHOUSE REVIEW WHEN COMPLETE.)

SUBMIT TWO (2) COPIES OF COMPLETED APPLICATION TO BCDC; ORIGINAL SIGNATURES ARE REQUIRED ON THE APPLICATION FORM AND ASSURANCES (NUMBERS 2 AND 6) AND AN OFFICIAL COPY OF THE LOCAL AGENCY'S RESOLUTION MUST ALSO BE PROVIDED.

AUTHORIZED OFFICIAL

SIGNATURE

DATE

TITLE:

SUGGESTED RESOLUTION RELATIVE TO
COASTAL ZONE MANAGEMENT PLANNING ASSISTANCE

WHEREAS, the (name of jurisdiction or agency) recognizing the problems and issues identified in the attached application for Coastal Zone Management Grant desires to provide for a planning study contributing to improved coastal planning, decisionmaking, and management capability related to protection and preservation of the Suisun Marsh; and

WHEREAS, the (name of jurisdiction or agency) has developed an application package to deal with these protection and preservation problems and issues; and the San Francisco Bay Conservation and Development Commission, under authority of the Public Resources Code of the State of California (Section 29201), may provide planning assistance for such a program and receive financial assistance from the California Coastal Commission, as authorized by inter-agency agreement.

NOW, THEREFORE, BE IT RESOLVED, that the (name of the legislative or policy body) of the (name of jurisdiction or agency) hereby requests the San Francisco Bay Conservation and Development Commission to provide planning assistance under authority of the Public Resources Code of the State of California, with such financial assistance as may be provided by the California Coastal Commission, not to exceed the amount of \$. Such planning assistance is more particularly described in a project description that is attached hereto and made a part of this resolution as if fully set forth herein.

BE IT FURTHER RESOLVED, that the (title of official) of the (name of jurisdiction or agency) be, and he/she is hereby authorized and empowered to execute in the name of the (name of jurisdiction or agency), all necessary applications, contracts, and agreements and amendments hereto to implement and carry out the purposes specified in this resolution.

The foregoing Resolution was passed by the (legislative or policy body) of the (jurisdiction or agency) this day of , 19 . Effective , 19 .

Attest:

Signed:

(Name and title of Official authorized to sign resolutions of the governing body)

STATEMENT OF ASSURANCES

The Applicant hereby assures and certifies that he will comply with the regulations, policies, guidelines, and requirements including OMB Circulars Nos. 74-4, A-95, and 74-7, as they relate to the application, acceptance and use of federal funds for this federally assisted project. Also, the Applicant assures and certifies with respect to the grant that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives federal financial assistance and will immediately take any measures necessary to effectuate this agreement.
3. It will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where, (1) the primary purpose of a grant is to provide employment or, (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.
4. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of federal and federally assisted programs.
5. It will comply with the provision of the Hatch Act which limits the political activity of employees.
6. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
7. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
8. It will give the grantor agency or the Comptroller General, through any authorized representative, the access to and the right to examine all records, books, papers, or documents related to the grant.
9. It will comply with all requirements imposed by the federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with Office of Management and Budget Circular No. 74-7.

Signature of Authorized Official

**FEDERAL GRANT APPLICATION/AWARD NOTIFICATION
STATE OF CALIFORNIA STATE CLEARINGHOUSE (916) 445-0613**

1 APPLICATION DATE

yr mo day

19

2 FEDERAL EMPLOYER ID NO.

ITEMS 1-31 TO BE COMPLETED BY APPLICANT

3. APPLICANT - Organizational Unit**6. CITY****6. COUNTY****7. STATE****8. ZIP CODE****9. PROG TITLE/NO. (Catalog of Fed Domestic Assistance)****10. TYPE OF ACTION**

New Modification
 Continuation

11. TYPE OF CHANGE (Complete if 10b or 10c was checked)

Increased Dollars Increased Duration
 Decreased Dollars Decreased Duration

Other Scope Change
 Cancellation

14. EXISTING FED GRANT ID**15. REQUESTED FUND START** 19**16. FUNDS DURATION** (Months)**17. EST. PROJECT START** 19**18. EST. PROJECT DURATION** (Months)**18. APPLICANT TYPE**

Enter Letter

F. School District

A. State

B. Interstate

C. Sub State Dist

D. County

E. City

G. Community Action Agency

H. Sponsored Organization

I. Indian

J. Other (Specify in Remarks)

FUNDS REQUESTED (For Changes Show Only Amt. of Inc. (+) or Dec. (-))

20 FEDERAL 1 18 .00

21 STATE 1 18 .00

22 LOCAL 1 18 .00

23 OTHER 1 18 .00

24 TOTAL (20, 21, 22, 23) 1 18 .00

25. BRIEF TITLE OF APPLICANT'S PROJECT**26. DESCRIPTION OF APPLICANT'S PROJECT (Purpose)****27. AREA OF PROJECT IMPACT (Indicate City, County, State, etc.)**

STATE-WIDE COUNTY-WIDE MULTI-COUNTY

 Yes No Yes No**28. CONGRESSIONAL DISTRICT**Of Applicant Districts Impacted By Project
[] []**29. Environmental Assessment Required By State/Federal Agency?** Yes No**30. CLEARINGHOUSE(S) TO WHICH SUBMITTED**a State b Area Wide c None**31. a NAME/TITLE OF CONTACT PERSON****b ADDRESS - Street or P. O. Box****c TELEPHONE NO.**

31. d IS ENVIRONMENTAL DOCUMENT REVIEW REQUIRED YES NO
If Yes Environmental Impact Statement (Report) Attached (20 copies)
 Draft EIR Final EIR
 Negative Declaration Attached (20 copies)
 None attached - Document Will Be Forwarded On
Approximately Mon Day Year
If No Federal Program Does Not Require An Environmental Document
 Project Exempt Under State Categorical Exemption, Class

e Will the project require relocation?
YES NO

f Does your agency have a civil rights affirmative action policy and plan?
YES NO

g Is project covered by A-35, Pt IV?
YES NO
If Yes, is MOA executed?
YES NO

If project is physical in nature or requires an environmental document, list the U.S. Geologic Survey Quadrangle map in which the project is located.

ITEMS 32-38 TO BE COMPLETED BY CLEARINGHOUSE**32. CLEARINGHOUSE ID**

MULTIPLE CLEARINGHOUSE

33. a ACTION BASED ON REVIEW OF**33. b ACTION TAKEN**

Notification
 Application

a With Comment Waived
b Without Comment Unfavorable

34. STATE APPLICATION IDENTIFIER (SAI)

C

A

State

Number

35. CLEARINGHOUSE IMPACT CODESTATE WIDE
County/ City
Ping AreaCounty/ City
Ping Area**36. STATE PLAN REQUIRED****37. RECEIVING DATE AT CLEARINGHOUSE**

19

yr mo day

38. a SIGNATURE OF CH OFFICIALb Yes No**38. FINAL CH ACTION DATE**

19

yr mo day

ITEMS 39-42 TO BE COMPLETED BY APPLICANT BEFORE SENDING FORM TO FEDERAL AGENCY

39. CERTIFICATION - The applicant certifies that to the best of his knowledge and belief the above data are true and correct and filing of this form has been duly authorized by the governing body of the applicant.

Check box if clearinghouse response is attached.

40. a NAME (Print or Type)**b TITLE****c SIGNATURE of Authorized Representative****d TELEPHONE NUMBER****41. DATE MAILED TO FEDERAL/STATE AGENCY**

yr mo day

19

42. NAME OF FEDERAL / STATE AGENCY TO WHICH THIS APPLICATION SUBMITTED

19

ITEMS 43-54 TO BE COMPLETED BY FEDERAL OFFICE EVALUATING AND RECOMMENDING ACTION ON THE APPLICATION**43. GRANT APPLICATION ID**

(Assigned by Federal Agency)

52. Application Rec'd.**53. a Exp. Action Date****53. b Ret'd to Applicant**

yr mo day

yr mo day

yr mo day

44. GRANTOR AGENCY

19

19

19

19

45. ORGANIZATIONAL UNIT

Amended Appl. Received

Rev. Expected Action Date

Always Complete
53. b OR b

yr mo day

46. ADMINISTERING OFFICE

REVISI

REVISI

REVISI

REVISI

47. ADDRESS - Street or P. O. Box

19

19

19

19

48. CITY

19

19

19

19

49. STATE

19

19

19

50. ZIP CODE

19

19

19

51. TELEPHONE NUMBER

19

19

19

ITEMS 55-65 TO BE COMPLETED BY THE FEDERAL OFFICE APPROVING THE GRANT APPLICATION**FINAL ACTION****FINAL DATES**

yr mo day

yr mo day

FUND APPROVED (For Changes Show Only Amt. of Inc. (+) or Dec. (-))

1 18 .00

1 18 .00

 Awarded Rejected Withdrawn

19

19

19

19

 FUNDS AVAILABLE

19

19

19

19

 ENDING DATE

19

19

19

19

 FEDERAL GRANT ID

19

19

19

19

 FEDERAL FUND ACCOUNT NUMBER

19

19

19

19

60. FEDERAL AMOUNT (If Y funds)

1 18 .00

1 18 .00

61. STATE SHARE

1 18 .00

1 18 .00

62. LOCAL SHARE

1 18 .00

1 18 .00

63. OTHER

1 18 .00

1 18 .00

64. TOTAL (60, 61, 62, 63)

1 18 .00

1 18 .00

FUND APPROVED (For Changes Show Only Amt. of Inc. (+) or Dec. (-))

FUND APPROVED (For Changes Show Only Amt. of Inc. (+) or Dec. (-))

1 18 .00

1 18 .00

FUND APPROVED (For Changes Show Only Amt. of Inc. (+) or Dec. (-))

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FUND APPROVED (For Changes Show Only Amt. of Inc. (+) or Dec. (-))

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FUND APPROVED (For Changes Show Only Amt. of Inc. (+) or Dec. (-))

1 18 .00

1 18 .00

FUND APPROVED (For Changes Show Only Amt. of Inc. (+) or Dec. (-))

1 18 .00

1 18 .00

FUND APPROVED (For Changes Show Only Amt. of Inc. (+) or Dec. (-))

1 18 .00

1 18 .00

FUND

INSTRUCTIONS FOR COMPLETING FORM CA-189

These instructions are designed to assist in completing the **APPLICANT** portions of the Form CA-189. These portions are **PART 1** and **PART 3** and are **SHADED**

PART 1

BOX NO. TITLE, INSTRUCTION

1. APPLICATION DATE — Date application is sent to the Clearinghouse.

EXAMPLE: **X** **mo** **day**
73 01 02

2. FEDERAL EMPLOYER I.D. — This number is assigned to business entities by IRS. It has 9 digits. If you do not have an I.D. or need assistance in locating it, contact the funding agency.

EXAMPLE: 456-62-8684

3. APPLICANT — Use capital letters. **MAXIMUM 40 CHARACTERS** (including spaces). If necessary, abbreviate.

EXAMPLE: STATE HEALTH DEPT US FOREST SERVICE

4. ADDRESS — Use capital letters **MAXIMUM 24 CHARACTERS** (including spaces).

EXAMPLE: 3916 WOODSTOCK AVE

5. CITY — Use capital letters. **MAXIMUM 16 CHARACTERS** (including spaces).

EXAMPLE: SACRAMENTO

6. COUNTY — Use capital letters. **MAXIMUM 16 CHARACTERS** (including spaces).

EXAMPLE: SACRAMENTO

7. STATE — Use capital letters. **MAXIMUM 2 CHARACTERS**

8. ZIP CODE — Enter your zip code

EXAMPLE: 95814

9. PROGRAM TITLE/NUMBER — Obtain this information from the funding agency or the *Catalog of Federal Domestic Assistance*. Do not include decimal point. Place abbreviated program title in parentheses following catalog number.

EXAMPLE: 13403 (Bilingual Educ.)

10. TYPE OF ACTION — Enter X in the appropriate box.

11, 12, 13. TYPE OF CHANGE — Complete only if you have checked box 10b or 10c.

14. EXISTING FED. GRANT I.D. — If you have checked Item 10b or 10c or have had previous correspondence with a Federal Agency concerning your present grant enter this number.

EXAMPLE: OSD-CA-09-3901

15. REQUESTED FUND START — Enter appropriate date.

16. FUNDS START — Enter appropriate date.

17. EST. PROJECT START — Enter appropriate date.

18. EST. PROJECT DURATION — Enter appropriate date.

19. APPLICANT TYPE — Enter the appropriate letter in the box provided. *Federal agencies use letter J.*

20, 21, 22, 23, 24. FUNDS REQUESTED — Enter appropriate amounts. If no funding involved, enter 0.

25. BRIEF TITLE OF APPLICANT PROJECT — Use capital letters. **MAXIMUM 60 CHARACTERS** (including spaces).

EXAMPLE: CONSTRUCTION OF NEW HOUSING

26. DESCRIPTION OF APPLICANT'S PROJECT (PURPOSE) — Use capital letters. **MAXIMUM 300 CHARACTERS** (including spaces). 60 characters per line, 5 lines. Make description complete, intelligible to non-specialist. Include, if appropriate, source and amount of state/local/private matching funds, and names of others with whom coordination has been established.

27. AREA OF IMPACT — Use capital letters. Always include county or counties of impact. Include city if appropriate. If not within bounds of a named city or town, give rough location in Box 26 above. Indicate whether impact is statewide, county-wide or multi-county. If multi-county, list county of greatest impact first.

If a state agency **APPLYING** for federal funds, complete section below, using instructions in State Administrative Manual, Sections 0911 ++

	Departmental ID No.	Current Year	Departmental ID No.	Budget Year	Carry Forward	TOTAL
1) STATE OPERATIONS						
2) LOCAL ASSISTANCE						
3) CAPITAL OUTLAY						

If a state agency **HAS BEEN AWARDED** federal funds, complete section below, using instructions in State Administrative Manual, Sections 0911 ++

	Departmental ID No.	Current Year	Departmental ID No.	Budget Year	Carry Forward	TOTAL
1) STATE OPERATIONS						
2) LOCAL ASSISTANCE						
3) CAPITAL OUTLAY						

LOCAL PROTECTION PROGRAM

ITEMIZED BUDGET

Grant Applicant: _____

Address: _____

Zip Code: _____

Project Title: _____

Grant Amount Requested: _____ Grant Period: _____

Grant Request

Personal Services

Salaries and Wages

Benefits

Total Personal Services \$ _____

Operating Expenses

Travel

Professional and Consultant Services

Indirect Charges (see over)

Other (Itemize, use separate sheet if required)

Office supplies

Postage

Printing of reports

(if an overhead rate is charged,
provide basis and breakdown)

Total Operating Expenses \$ _____

Total Budget \$ _____

(Note: Over)

Indirect costs are described in Section F of Federal Management Circular 74-7 and the Grants Management Manual prepared by the California Coastal Commission. Grantees must calculate indirect costs according to an Indirect Cost Allocation Plan which has been submitted to a cognizant federal agency or the State Controller or the San Francisco Bay Conservation and Development Commission. Grantees wishing to establish such plans should request explanatory materials from BCDC.

If indirect costs are shown on the Local Coastal Program Budget, the following must be completed by the Grantee's designated fiscal officer.

Counties

CERTIFICATION

I, _____, hereby certify that the indirect costs
(Name of Fiscal Officer)
identified above are consistent with the Indirect Cost Allocation Plan, for
_____, which has been submitted to the
(Name of Jurisdiction)
cognizant federal lead agency or the State Controller. Information documenting
submission of Indirect Cost Allocation Plans and methods of calculation for
departmental Indirect Cost Rate Proposals will be made available upon the
request of BCDC or its designees.

Signature of Fiscal Officer

Cities

Not all cities are required to submit Indirect Cost Allocation Plans. Where Indirect Cost Allocation Plans have been submitted and accepted by a cognizant federal agency, documentation of acceptance of the plan by the federal agency should be provided. In the event that no plan has been filed with a cognizant federal agency, and the city wishes to use an Indirect Cost Rate, a copy of the plan must be provided to BCDC.

LOCAL PROTECTION PROGRAM
PRODUCT AND MILESTONE DESCRIPTION

Subcategory	Product/ Milestone from Work Prog. Schedule	Due Date	Description	How Milestone Accomplish- ment Will Be Measured

LOCAL PROTECTION PROGRAM WORK PROGRAM SCHEDULE

Name of Applicant:

Project From

Period
to

Program Subcategory

U.C. BERKELEY LIBRARIES



C124899558